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

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

OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2634 and 2635

RIN 3209–AA00 and 3209–AA04

Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule; technical amendments.

SUMMARY: The Office of Government Ethics is updating its executive branch regulation on financial disclosure to reflect the retroactive statutory increase of the reporting thresholds for gifts and travel reimbursements. As a matter of regulatory policy, OGE is also raising the widely attended gatherings nonsponsor gifts exception dollar ceiling under the executive branchwide standards of ethical conduct regulation, but this change is not retroactive.

DATES: The rule is effective May 19, 2014. The amendments to 5 CFR 2634.304 and 2634.907 (as set forth in amendatory paragraphs 2 and 3) are retroactively applicable as of January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Amy Braud, Associate Counsel, Office of Government Ethics; Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics is amending pertinent sections of its executive branchwide ethics regulations on financial disclosure and standards of ethical conduct, as codified at 5 CFR parts 2634 and 2635, in order to update certain reporting and other thresholds.

Increased Gifts and Travel Reimbursements Reporting Thresholds

First, OGE is revising its executive branch financial disclosure regulation at 5 CFR part 2634 applicable as of January 1, 2014 to reflect the increased reporting thresholds for gifts, reimbursements and travel expenses for both the public and confidential executive branch financial disclosure systems. These increases conform to the statutorily mandated public disclosure reporting thresholds under section 102(a)(2)(A) & (B) of the Ethics in Government Act as amended, 5 U.S.C. app. section 102(a)(2)(A) and (B), (Ethics Act) and are extended to confidential disclosure reporting by OGE's regulation. Under the Ethics Act, the gifts and reimbursements reporting thresholds are tied to the dollar amount for the ''minimal value'' threshold for foreign gifts as the General Services Administration (GSA) periodically redefines it.

In a recent rulemaking, GSA raised ''minimal value'' under the Foreign Gifts and Decorations Act, 5 U.S.C. section 7342, to ''$375 or less'' (from the prior level of $350 or less) for the three-year period 2014–2016. See 79 FR 18477 (April 2, 2014), revising retroactively to January 1, 2014, the foreign gifts minimal value definition as codified at 41 CFR 102–42.10.

Accordingly, applicable as of that same date, OGE is increasing the thresholds for reporting of gifts and travel reimbursements from any one source in 5 CFR 2634.304 and 2634.907(g) (and as illustrated in the examples following those sections, including appropriate adjustments to gift values therein) of its executive branch financial disclosure regulation to ''more than $375'' for the aggregation threshold for reporting and ''$150 or less'' for the de minimis exception for gifts and reimbursements which do not have to be counted towards the aggregate threshold. As noted, these regulatory increases just reflect the underlying statutory increases effective January 1 of this year.

OGE will continue to adjust the gifts and travel reimbursements reporting thresholds in its part 2634 regulation in the future as needed in light of GSA's redefinition of ''minimal value'' every three years for foreign gifts purposes. See OGE's prior three-year adjustment of those regulatory reporting thresholds, as published at 76 FR 38547–38548 (July 1, 2011) (for 2011–2013, the aggregate reporting level was more than $350, with a $140 or less de minimis exception).

Increased Dollar Ceiling for the Exception for Nonsponsor Gifts of Free Attendance at Widely Attended Gatherings

In addition, OGE is increasing from $350 to $375 the exception ceiling for nonsponsor gifts of free attendance at widely attended gatherings under the executive branch standards of ethical conduct regulation, as codified at 5 CFR 2635.204(g)(2) (and as illustrated in the examples following paragraph (g); a sum total value in one example is also being adjusted accordingly). This separate regulatory change is effective upon publication in the **Federal Register**, on May 19, 2014. As OGE noted in the preambles to the proposed and final rules on such nonsponsor gifts, that ceiling is based in part on the financial disclosure gifts reporting threshold. See 60 FR 31415–31418 (June 15, 1995) and 61 FR 42965–42970 (August 20, 1996). The nonsponsor gift ceiling was last raised in the July 2011 OGE rulemaking noted in the preceding paragraph above. Thus, it is reasonable to again increase the nonsponsor gift ceiling to match the further increase in the gifts/travel reimbursements reporting thresholds. The other requirements for acceptance of such nonsponsor gifts, including an agency interest determination and expected attendance by more than 100 persons, remain unchanged.

Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. section 553(b) and (d), as Director of the Office of Government Ethics, I find good cause exists for waiving the general notice of proposed rulemaking, opportunity for public comment and 30-day delay in effectiveness as to these technical updating amendments. The notice, comment and delayed effective date provisions are being waived in part because these technical amendments concern matters of agency organization, practice and procedure. Further, it is in the public interest that correct and up-to-date information be contained in the affected sections of OGE's regulations as soon as possible. The increase in the reporting thresholds for gifts and reimbursements is based on a statutory formula and also lessens the reporting burden somewhat. Therefore, that regulatory revision is retroactively applicable as of January 1, 2014, when

the change became effective under the Ethics Act.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects Federal employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this amendatory rulemaking itself does not contain information collection requirements that require the approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this final rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this amendatory rulemaking is a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will submit a report thereon to the U.S. Senate, House of Representatives and Government Accountability Office in accordance with that law at the same time this rulemaking document is sent to the Office of the Federal Register for publication in the **Federal Register**.

Executive Order 12866

In promulgating these technical amendments, OGE has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. These amendments have not been reviewed by the Office of Management and Budget under that Executive Order, since they are not deemed ''significant'' thereunder.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects

5 CFR Part 2634

Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 2635

Conflict of interests, Executive branch standards of ethical conduct, Government employees.

Approved: May 13, 2014.

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR parts 2634 and 2635 as follows:

PART 2634—EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE

■ 1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart C—Contents of Public Reports

§ 2634.304 [Amended]

■ 2. Section 2634.304 is amended by:
■ A. Removing the dollar amount ''$350'' in paragraphs (a) and (b) and in examples 1 and 4 following paragraph (d) and adding in its place in each instance the dollar amount ''$375'';
■ B. Removing the dollar amount ''$140'' in paragraph (d) and in examples 1 and 2 following paragraph (d) and adding in its place in each instance the dollar amount ''$150'';
■ C. Removing the dollar amount ''$190'' in example 1 following paragraph (d) and adding in its place the dollar amount ''$220''; and
■ D. Removing the dollar amounts ''$180'' and ''$350'' in example 3 following paragraph (d) and adding in their place the dollar amounts ''$190'' and ''$375'', respectively.

Subpart I—Confidential Financial Disclosure Reports

§ 2634.907 [Amended]

■ 3. Section 2634.907 is amended by:
■ A. Removing the dollar amount ''$350'' in paragraphs (g)(1) and (g)(2) and in the example to paragraph (g) and adding in its place in each instance the dollar amount ''$375''; and
■ B. Removing the dollar amount ''$140'' in paragraph (g)(3) and in the example to paragraph (g) and adding in its place in each instance the dollar amount ''$150''.

PART 2635—STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH

■ 4. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart B—Gifts From Outside Sources

§ 2635.204 [Amended]

■ 5. Section 2635.204 is amended by:
■ A. Removing the dollar amount ''$350'' in paragraph (g)(2) and in examples 1 and 2 (in the latter of which it appears twice) following paragraph (g)(6) and adding in its place in each instance the dollar amount ''$375''; and
■ B. Removing the dollar amount ''$700'' in example 2 following paragraph (g)(6) and adding in its place the dollar amount ''$750''.

[FR Doc. 2014–11495 Filed 5–16–14; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 274, 276 and 277

RIN 0584–AD99

Automated Data Processing and Information Retrieval System Requirements: System Testing

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; notice of approval of Information Collection Request (ICR).

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Food and Nutrition Service (FNS) is announcing the Office of Management and Budget's (OMB) approval of information collection requirements contained in a final rule published in the **Federal Register**.

DATES: The ICR associated with the Automated Data Processing and Information Retrieval System Requirements: System Testing rule published in the **Federal Register** on

January 2, 2014 (79 FR 5), was approved by OMB on April 7, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Painter-Jaquess, Director, State Systems Office, Food and Nutrition Service—USDA, 3101 Park Center Drive, Alexandria, VA 22302; by telephone at (303) 844–6533.

SUPPLEMENTARY INFORMATION: The rule titled Automated Data Processing and Information Retrieval System Requirements: System Testing was published on January 2, 2014. OMB cleared the associated ICR on April 7, 2014, under OMB Control Number 0584–0083. This document announces approval of the ICR.

Dated: April 28, 2014.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2014–10239 Filed 5–16–14; 8:45 am]

BILLING CODE 3410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0760; FRL–9909–91–R04]

Approval and Promulgation of Implementation Plans; State of Florida: New Source Review—Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Florida State Implementation Plan (SIP), submitted by the Florida Department of Environmental Protection (FDEP), Division of Air Resources Management, to EPA on December 19, 2013. The SIP revision modifies Florida's New Source Review (NSR) Prevention of Significant Deterioration (PSD) permitting regulations to provide FDEP with the authority to issue PSD permits governing greenhouse gas (GHG) emissions, to establish appropriate emission thresholds for determining which new stationary sources and modifications to existing stationary sources become subject to Florida's PSD permitting requirements for their GHG emissions, and to facilitate the implementation of GHG Plantwide Applicability Limits (PALs) by allowing consideration of GHG PALs in determining whether GHGs are ''subject to regulation.'' The changes to Florida's regulations also update Florida's SIP to incorporate provisions addressing issuance of GHG PALs on a carbon dioxide equivalent (CO_2e) basis. EPA is taking final action to approve Florida's December 19, 2013 SIP revision because it is in accordance with the Clean Air Act (CAA or Act) and EPA regulations regarding the PSD permitting program. Concurrent with this final approval, EPA is rescinding the GHG PSD Federal Implementation Plan (FIP) for Florida that was put in place on December 30, 2010, to ensure the availability of a permitting authority for GHG permitting in Florida.

DATES: This rule is effective May 19, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0760. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday from 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the Florida SIP, contact Ms. Twunjala Bradley, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bradley's telephone number is (404) 562–9352; email address: *bradley.twunjala@epa,gov*. For information regarding Region 4 NSR and GHG permitting, contact Ms. Yolanda Adams, Air Permits Section, at the same address above. Ms. Adams' telephone number is (404) 562–9214; email address: *adams.yolanda@epa.gov*. For Information regarding EPA's GHG SIP Call or FIP, contact Ms. Cheryl Vetter, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504–03), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–4391, facsimile number: (919) 541–5509, email address: *vetter.cheryl@epa.gov*.

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I. Background

Florida's December 19, 2013 SIP revision provides the State the authority to regulate GHG [1] emissions under its PSD program and establishes appropriate emission thresholds for determining which new stationary sources and modification projects become subject to PSD permitting requirements for their GHG emissions as promulgated in the GHG Tailoring Rule, 75 FR 31514 (June 3, 2010).[2] These GHG PSD applicability provisions became State effective on October 23, 2013. Additionally, Florida's December 19, 2013 submission reflects the fact that Florida has updated State law to incorporate by reference [3] certain changes made to 40 CFR part 52 related to the implementation of GHG PALs that were promulgated in EPA's July 12, 2012, Step 3 GHG Tailoring Rule.[4] This change to state law results in an update to the incorporation by reference of the portions of 40 CFR 52.21 cited in Florida's existing SIP-approved PAL regulations, such that those provisions now include provisions of 40 CFR 52.21 that, among other things, address issuance of GHG PALs on a CO_2e basis in addition to the available mass-basis. EPA's final approval of Florida's December 19, 2013 SIP revision includes approval of Florida's GHG PSD Permit Transition Plan, under which

[1] Throughout this document, where appropriate, EPA will use the acronyms ''GHG'' and ''GHGs'' to express the term greenhouse gas or greenhouse gases, respectively.

[2] ''Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule,'' 75 FR 31514 (June 3, 2010) (GHG Tailoring Rule).

[4] ''Prevention of Significant Deterioration and Title V Operating Permit Greenhouse Gas (GHG) Tailoring Rule Step 3 and GHG Plantwide Applicability Limits,'' 77 FR 41051 (July 12, 2012) (Step 3 GHG Tailoring Rule). Step 3 of the Tailoring Rule included revisions to the regulations at 40 CFR 52.21 that allow GHG PALs under those regulations to be established on a CO_2e basis in addition to the previously available mass basis and allow a GHG-only source to obtain a GHG PAL under those regulations while still maintaining its minor source status, so long as it complies with its PAL and its GHG emissions remain below the PAL. *See* 77 FR 41051.

EPA will transfer existing EPA-issued GHG permits for Florida sources to Florida for administration and enforcement. Florida's Transition Plan also included that EPA would retain PSD permit implementation authority (under 40 CFR 52.21) for pending GHG permit applications, draft permits, and final permits for which final agency action has not been taken or for which all administrative and judicial appeals processes pursuant to 40 CFR part 124 (including any associated remand actions) have not been completed by the effective date of today's final action. However, because there are no such GHG PSD permits (as describe above) before EPA for review or process, this portion of Florida's GHG Transition Plan (the management of pending GHG PSD projects) is no longer applicable. Therefore, EPA is not taking final action to retain implementation authority (under 40 CFR 52.21) for pending GHG permit applications, draft permits, and final permits for which final agency action has not been taken or for which all administrative and judicial appeals processes pursuant to 40 CFR part 124 (including any associated remand actions) have not been completed by the effective date of today's final action. Florida will assume full responsibility for the administration and implementation of such GHG PSD permits immediately upon notification from EPA that all administrative and judicial appeals processes and any associated remand actions have been completed or concluded for any such permit application.

On December 30, 2010, EPA promulgated a GHG PSD FIP for Florida (among other states/areas) to ensure the availability of a permitting authority for GHGs where no authority was available.[5] *See* 75 FR 82246. Concurrent with this final approval, EPA is rescinding the GHG PSD FIP for Florida at 40 CFR 52.37 that was put in place on December 30, 2010, to ensure EPA was the GHG permitting authority in the State of Florida.

Detailed background information for today's final rule including EPA's national actions pertaining to PSD permitting of sources of GHGs is provided in EPA's January 7, 2014, proposed rulemaking. *See* 79 FR 778. Comments on the proposed rulemaking were due on or before February 6, 2014, and EPA received one comment on the proposed rulemaking. The comment received was related to the use of E15 (15 percent ethanol) in gasoline for motorcycles and is irrelevant to EPA's action to approve Florida's December 19, 2013 SIP revision to adopt PSD permitting provisions to regulate GHG-emitting sources in the State. Therefore, EPA need not provide a response to this comment for today's final rulemaking. Pursuant to section 110 of the CAA, EPA is now taking final action to approve the changes to Florida's NSR PSD program as submitted in its December 19, 2013 SIP revision, and to rescind the GHG FIP for Florida at 40 CFR 52.37(b)(3).

II. This Action

EPA is taking final action to approve Florida's December 19, 2013 SIP revision to adopt the Federal PSD permitting requirements related to the regulation of GHG-emitting sources. Florida's NSR permitting program is based on the application of the term ''*PSD pollutant''* at Rule 62–210.200(234), F.A.C. Florida previously defined ''*PSD pollutant''*[6] as any pollutant listed as having a ''*significant emission rate''* as defined in Rule 62–210.200. Chapter 62–210, F.A.C. entitled ''*Stationary Sources—General Requirements,''* contains definitions of terms (at Rule 62–210.200, F.A.C.) used in Chapter 62–212, F.A.C.,[7] as well as other stationary source rules. Florida's December 19, 2013 SIP submission revises the definition of ''*PSD pollutant''* at 62–210.200 to incorporate the term *''regulated NSR pollutant''* as defined in 40 CFR 52.21(b)(50), which in turn references the term ''*subject to regulation''* (defined at 40 CFR 52.21(b)(49)). The definition of ''*subject to regulation''* at 40 CFR 52.21(b)(49) specifies the circumstances under which GHGs are considered subject to regulation and therefore regulated under the PSD program. The term ''*subject to regulation''* in turn references the PAL provisions at 52.21(aa)(1) through (15) and, as explained in more detail below, would allow consideration of GHG PALs in determining whether GHGs are ''subject to regulation.'' In relevant part, Florida's revised definition of ''*PSD pollutant''* provides:

> *62–210.200—PSD pollutant—(a) Any pollutant listed as having a significant emission rate as defined in Rule 62–210.200, F.A.C.; and (b) Any Regulated NSR Pollutant as defined at 40 CFR 52.21(b)(50) and as adopted and incorporated by reference at Rule 62–204.800, F.A.C.*

As provided in the December 19, 2013 SIP submission, Florida's amendment to ''*PSD pollutant''* to include the phrase ''Any Regulated NSR Pollutant'' as defined at 40 CFR 52.21(b)(50) does not, in and of itself, provide Florida the authority to regulate GHGs in its PSD program. Florida's State Rule 62–204.800, F.A.C., incorporation by reference the relevant section of the Code of Federal Regulations (CFR) (including 40 CFR 52.21) into the Florida regulations, as well as specified amendments thereto.[8] To ''activate'' the applicability of a Federal rule within Florida's regulations, the state references Rule 62–204.800, F.A.C. within the state regulations (such as 62–210.200).[9] The previous incorporation by reference of Federal provisions at 40 CFR 52.21 into State Rule 62–204.800, F.A.C. predated EPA's adoption of the GHG Tailoring Rule and the Step 3 GHG Tailoring Rule. In order for the incorporation by reference of EPA's updated definition of ''*regulated NSR pollutant''* at 40 CFR 52.21(b)(50) to be

[5] ''Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan,'' 75 FR 82246 (December 30, 2010) (GHG PSD FIP).

[6] Florida adopted into its SIP the term ''*PSD pollutant''* (which references significant emissions rate) to replace the term ''*NSR Pollutant''* at Rule 62–210.200, F.A.C. as part of its February 3, 2006, SIP submission to adopt the 2002 NSR Reform permitting provisions. *See* 73 FR 36435 (June 27, 2008). At that time, FDEP provided EPA with an equivalency demonstration establishing the definitions of ''*PSD pollutant''* and ''*significant emissions rate''* as being equivalent to the Federal definition of ''*regulated NSR pollutant''* since they included all pollutants for which a national ambient air quality standard (NAAQS) had been promulgated, all precursors for such pollutants which had been identified by the Administrator, all pollutants subject to standards promulgated under section 111 of the Act, and all pollutants regulated under the Act. Florida's definitions however lacked the catch-all phrase ''*subject to regulation,''* which is part of the Federal definition of ''*regulated NSR pollutant.''* Florida explained that if any new pollutant or precursor subsequently became ''*subject to regulation,''* Florida would revise its SIP to include such new pollutant or precursor soon thereafter.

[7] Chapter 62–210, F.A.C., also establishes general permitting, public notice, reporting, and permit application requirements. Chapter 62–212, F.A.C., entitled ''*Stationary Sources—Preconstruction Review''* contains specific preconstruction permitting requirements for various types of air construction permits, including minor source permits, PSD permits, nonattainment new source review permits, and PALs permits. Rule 62–212.400, F.A.C. contains the State's PSD preconstruction review program as required under part C of title I of the CAA. The PSD program applies to major stationary sources or modifications constructing in areas that are designated as attainment or unclassifiable with respect to the NAAQS.

[8] When FDEP incorporates by reference a Federal regulation, any subsequent change to the Federal CFR is not automatically incorporated into Florida's rules. *See* Section 120.54(1)(i)1., F.S. (''A rule may incorporate material by reference but only as the material exists on the date the rule is adopted.'').

[9] The incorporation by reference of the CFR (such as 40 CFR 52.21) at 62–204.800 does not by itself make those regulations applicable within Florida's SIP regulations; it's the actual reference to State Rule 62–204.800 within Florida regulations that makes the Federal regulation applicable. In other words, Rule 62–204.800, F.A.C., is the mechanism Florida uses to make specific Federal requirements applicable within SIP-approved regulations.

applicable in Florida's regulations, FDEP amended State Rule 62.204.800, F.A.C., to incorporation by reference 40 CFR 52.21, Subpart A as of July 1, 2011, and as amended on July 12, 2012 at 77 FR 41051. This amendment to Rule 62–204.800 became state effective on December 17, 2013.[10] This change incorporates into the F.A.C. the applicable GHG regulations established in the GHG Tailoring Rule and ensures that the provisions of 40 CFR 52.21 incorporated into Florida's regulations reflect revisions in the PALs program to address GHGs that were finalized in the Step 3 GHG Tailoring Rule.

In addition to ensuring that Florida's definition of ''*PSD pollutant*'' incorporates the EPA's updated definition of ''*regulated NSR pollutant,*'' Florida's updated incorporation by reference of 40 CFR 52.21 in State Rule 62–204.800, F.A.C. results in an update to the incorporation by reference of portions of 40 CFR 52.21 cited in Florida's existing SIP-approved PAL regulations in Florida's PSD Rule 62–212.720, F.A.C.[11] This update incorporates changes made to 40 CFR 52.21 promulgated in the July 12, 2012 Step 3 GHG Tailoring Rule. Step 3 of the Tailoring Rule finalized revisions to the regulations at 40 CFR 52.21 to enable the establishment of GHG PALs on a CO_2e basis in addition to the available mass-basis and to allow a GHG-only source to apply for a GHG PAL while still maintaining its minor source status. *See* 77 FR 41051 and 79 FR 778.

Therefore, taken together, Florida's amendment to the definition of ''*PSD pollutant*'' at Rule 62–210.200, F.A.C., and its update to the incorporation by reference of 40 CFR 52.21 in State Rule 62–204.800 provide Florida the authority to regulate GHG under the PSD program, establish in the Florida SIP the thresholds for GHG permitting promulgated in the GHG Tailoring Rule, and update provisions previously incorporated into Florida's regulations to reflect the revisions relating to GHG PALs promulgated in the Step 3 GHG Tailoring Rule.

As discussed in EPA's January 7, 2014, proposed rulemaking, Florida included a GHG PSD Permit Transition Plan in its December 19, 2013 SIP submission. *See* GHG Transition Plan in Appendix B of Florida's December 19, 2013 submission in the docket using Docket ID: EPA–R04–OAR–2013–0760. Under the plan, FDEP would exercise its authority to administer and enforce GHG PSD permits issued by EPA under its FIP to sources located in the State of Florida.[12] Pursuant to the criteria under section 110(a)(2)(E)(i) of the CAA, EPA has determined that Florida has the authority, personnel, and funding to implement the PSD program for GHGs for existing EPA-issued permits. Therefore, concurrent with EPA's approval of Florida's December 19, 2013 GHG SIP revision, EPA will transfer existing EPA-issued GHG permits for Florida sources to FDEP for administration and enforcement.[13]

In EPA's January 7, 2014 rulemaking the Agency proposed to retain GHG PSD permit implementation authority at 40 CFR 52.530 for pending applications, draft permits, and final permits for which final agency action had not been taken or for which all administrative and judicial appeals processes pursuant to 40 CFR part 124 (including any associated remand actions).[14] *See* 79 FR 778 at 783. However, since publication of EPA's proposed rule, the administrative and procedural status of Florida GHG PSD permits have changed resulting in four final GHG PSD permits being issued and three permits withdrawn by the respective facilities. Therefore at the time of finalization of this rulemaking, no such GHG PSD permits in various stages described above were before EPA for review. For that reason, the retaining of GHG PSD permit implementation authority at 40 CFR 52.530 is no longer relevant nor required. Therefore, EPA is not taking final action to retain implementation authority at 40 CFR 52.51 for pending applications, draft permits, and final permits for which final agency action had not been taken or for which all administrative and judicial appeals processes pursuant to 40 CFR part 124 (including any associated remand actions). EPA is not altering FDEP's original GHG Transition Plan but rather adapting to the current circumstances.

As mentioned above and as a result of this approval, EPA is rescinding the GHG PSD FIP for Florida codified at 40 CFR 52.37(b)(3) that was put in place on December 30, 2010, to ensure EPA was the applicable permitting authority for GHG permitting in Florida. This GHG FIP is no longer necessary since approval of Florida's December 19, 2013 SIP revision establishes PSD applicability thresholds for GHG emissions at the same emissions thresholds and in the same timeframes as those specified by EPA in the GHG Tailoring Rule, giving FDEP the authority to regulate GHG-emitting sources and to issue GHG PSD permits. Therefore, this final action removes Florida from the GHG FIP list at 40 CFR 52.37(b)(3). Upon the effective date of today's final rulemaking to approve the Florida's December 19, 2013 SIP revision, FDEP will immediately assume full responsibility for new GHG PSD applications for Florida sources. As such, new applications will be submitted to and processed by FDEP's Division of Air Resource Management.

III. Effective Date of This Action

EPA is making May 19, 2014 the effective date of today's final action. In

[10] Florida's Rule 62–204.800, F.A.C., is a state law. Therefore the amendment to update the incorporation by reference date for 40 CFR 52.21 at 62–204.800 is not part of the State's December 19, 2013 SIP revision. However, as noted, without it the reference to 40 CFR 52.21(b)(50) in the definition of ''*PSD pollutant*'' would be referring to an older version of 40 CFR 52.21 which did not include the GHG Tailoring Rule's regulatory amendments for *regulated NSR pollutant* and the inclusion of ''*subject to regulation*'' (nor the Step 3 GHG Tailoring Rule)

[11] EPA initially adopted the PAL regulations into the Florida SIP on June 27, 2008, at Rule 62–212.720, F.A.C., as part of the State's February 3, 2006, SIP submission to adopt the 2002 NSR Reform permitting provisions (which established the PALs provisions). *See* 73 FR 36435. In relevant part, Florida's regulations at 62–212.720, F.A.C., incorporation by reference specific provisions from EPA's PAL rules at 40 CFR 52.21(aa), adopted by reference in Rule 62–204.800, F.A.C. The relevant portion of the updated version of Florida's Rule 62–204.800, F.A.C., states: ''(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference: (a) 40 CFR Part 52, Subpart A, General Provisions; revised as of July 1, 2011 (*https://www.flrules.org/Gateway/reference.asp?No=Ref-03499*), or later as specifically indicated, are adopted and incorporated by reference; amended July 12, 2012, at *77 FR 41051* (*https://www.flrules.org/Gateway/reference.asp?No=Ref-03489*); amended October 25, 2012, at *77 FR 65107* (*https://www.flrules.org/Gateway/reference.asp?No=Ref-03486*); amended January 15, 2013, at *78 FR 3085* (*https://www.flrules.org/Gateway/reference.asp?No=Ref-03487*).'' The July 12, 2012 amendments at *77 FR 41051* are those made under the Step 3 GHG Tailoring Rule described earlier in this preamble. *See also* 77 FR 41051. Therefore, the specific provisions of 40 CFR 52.21 that are incorporated into Florida's regulations include any amendments made as part of the Step 3 Tailoring Rule.

[12] This includes authority for the general administration of these existing permits, authority to process and issue any and all subsequent PSD permit actions relating to such permits including, but not limited to, modifications, amendments, or revisions of any nature, and the authority to enforce such permits.

[13] At the time this final rulemaking was published, EPA Region 4 had issued four, final and effective GHG PSD permits for Florida sources for Florida Power & Light Company (FPL)—Port Everglades Plant (Permit PSD–EPA–R4010), Tampa Electric Company—Polk Power Station (Permit PSD–EPA–R4014), EFS Shady Hills LLC—Shady Hills Generating Station (Permit PSD–EPA–R4013) and New Hope (Permit PSD–EPA–R4016). EPA has provided FDEP with a copy of these permits and will provide a copy of the permit records upon request.

[14] In FDEP's GHG Transition Plan the State indicated that EPA would retain GHG PSD permit implementation authority for pending applications and/or permits or final permits (not yet effective) in various stages of process and review.

accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective on May 19, 2014. The May 19, 2014, effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before, the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's final rule provides Florida with the authority to regulate GHG-emitting sources making FDEP the sole PSD permitting authority in the State. Additionally, an immediate effective date would promote an orderly transition of the GHG PSD program from the EPA to Florida, the efficient use of Florida's and EPA's resources, and certainty for the regulated community and the public. For this reason, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective May 19, 2014.

IV. Final Action

Florida's December 19, 2013 SIP revision amends the State's definition of ''*PSD pollutant''* to provide Florida with the authority to regulate GHG under its PSD program, to establish PSD applicability thresholds for GHG emissions at the same emissions thresholds and in the same timeframes as those specified by EPA in the GHG Tailoring Rule, and to facilitate the implementation of GHG PALs by allowing consideration of GHG PALs in determining whether GHGs are ''subject to regulation.'' The changes to Florida's regulations also update Florida's SIP to incorporate provisions addressing issuance of GHG PALs on a CO_2e basis. EPA has made the determination that Florida's December 19, 2013 SIP revision is consistent with EPA's PSD regulations for GHG-emitting sources as promulgated in the GHG Tailoring Rule, Step 3 GHG Tailoring Rule and section 110 of the CAA. Therefore, EPA is taking final action to approve Florida's December 19, 2013 SIP submission.

EPA is also taking final action to rescind the Florida GHG PSD FIP at 40 CFR 52.37(b)(3). EPA's approval of Florida's December 19, 2013 SIP revision includes approval of FDEP's GHG PSD Permit Transition Plan, under which EPA will transfer existing EPA-issued GHG permits for Florida sources to Florida for administration and enforcement. However, EPA is not taking final action to retain PSD permit implementation authority at 40 CFR 52.530 for pending GHG permit applications, draft permits, and final permits for which final agency action has not been taken or for which all administrative and judicial appeals processes pursuant to 40 CFR part 124 (including any associated remand actions) have not been completed by the effective date of today's final action because there are currently no such GHG PSD permits before the agency for review. Additionally, EPA finds good cause under 5 U.S.C. 553(d) for this action to become effective May 19, 2014. Upon the effective date of today's final rulemaking to approve the Florida's December 19, 2013 SIP revision, FDEP will immediately assume full responsibility for new GHG PSD applications for Florida sources. As such, new applications will be submitted to and processed by FDEP's Division of Air Resource Management.

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. because this SIP approval and FIP rescission under section 110 and part C of the CAA will not in-and-of itself create any new information collection burdens but simply transfers the permitting authority from EPA to the State. Burden is defined at 5 CFR 1320.3(b). Because this final action does not impose an information collection burden, the Paperwork Reduction Act does not apply.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions.

For purposes of assessing the impacts of today's 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.

This rule will transfer GHG PSD permitting responsibility from EPA to the State of Florida. This final rule applies to large GHG emitters that tend to be large sources. Further, this rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and part C of the CAA do not create any new requirements but simply approve existing requirements in State law. The result of this final action simply is to transfer authority to administer the PSD program for GHGs from EPA to the State of Florida. The substantive requirement for a source to obtain a PSD permit prior to construction of a new major source of GHGs or modification of an existing major source that will significantly increase GHGs is not changed by this final action. 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 new requirements on small entities.

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. This action imposes no additional enforceable duty on any State, local or tribal governments or the private sector beyond that required by state law. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action 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. This action transfers permitting responsibility of GHG emissions from

EPA to the State of Florida. Small governments are not impacted.

E. Executive Order 13132—Federalism

This action does not have federalism implications. It will not have substantial direct effects on Florida, on the relationship between the national government and the State of Florida, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA specifies conditions under which states may request, and EPA may approve state implementation of CAA requirements. This rulemaking approves PSD permitting provisions in the State of Florida for GHG emissions, and as a consequence of the SIP approval, simultaneously rescinds Federal PSD permitting responsibility for GHG emissions in Florida. This rulemaking is pursuant to the SIP approval and requirements of the CAA. As such, this final rule does not change the balance of power between Florida and EPA as provided for in the CAA. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on the proposed action from State and local officials. EPA received no comments from state or local governments on this rulemaking.

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). In this action, EPA is not addressing any Tribal Implementation Plans. This action is limited to Florida's SIP related to GHG PSD permitting. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

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 EPA is approving revisions to the Florida PSD SIP for permitting of GHG emissions, as authorized by the CAA.

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 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. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898—Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 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.

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 alter the level of protection provided to human health or the environment by the PSD program. Rather, the result of this final action is to transfer authority over the administration of CAA requirements governing PSD permitting for GHGs from EPA to the State of Florida. This transfer of authority will not have any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This final rule approves the Florida SIP as meeting Federal requirements for GHG PSD permitting and imposes no additional requirements beyond those imposed by Florida law.

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. 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).

L. 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 18, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2); 5 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: May 1, 2014.

Gina McCarthy,

Administrator, U.S. EPA.

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 A—General Provisions

§ 52.37 [Amended]

■ 2. Section 52.37 is amended by removing and reserving paragraph (b)(3).

Subpart K—Florida

■ 3. Section 52.520(c) is amended under Chapter 62–210 by revising the entry for ''Section 62–210.200'', by revising the heading for Chapter 62–212, and under Chapter 62–212 by revising the entry for '' ''Section 62–212.720'' to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED FLORIDA REGULATIONS

State citation	Title/subject	State effective date	EPA Approval date	Explanation
*	*	*	*	*
Chapter 62–210 Stationary Sources—General Requirements				
*	*	*	*	*
62–210.200	Definitions	10/23/13	5/19/14 [Insert citation of publication].	As of September 19, 2012, 61–210.200 does not include Florida's revision to adopt the $PM_{2.5}$ SILs threshold and provisions (as promulgated in the October 20, 2010, $PM_{2.5}$ PSD Increment-SILs-SMC Rule at 40 CFR 52.21(k)(2)).
*	*	*	*	*
Chapter 62–212 Stationary Sources—Preconstruction Review				
*	*	*	*	*
62–212.720	Actuals Plantwide Applicability Limits (PALs).	12/17/2013	5/19/14 [Insert citation of publication].	As of May 19, 2014 the PAL provisions include certain revisions to 40 CFR 52.21 finalized July 12, 2012 (Step 3 GHG Tailoring Rule) and relating to GHG PALs, which are incorporated by reference at 62–212.720 through Florida State Rule 62.204.800, F.A.C., (which incorporates by reference 40 CFR 52.21, subpart A as of July 1, 2011, and as amended on July 12, 2012 at 77 FR 41051. December 17, 2013.)
*	*	*	*	*

* * * * *

■ 4. Section 52.530 is amended by adding paragraph (b) to read as follows:

§ 52.530 Significant deterioration of air quality.

* * * * *

(b) Pursuant to part C, subpart 1 of the Clean Air Act, EPA is approving a December 19, 2013 SIP revision submitted by the State of Florida, through the Florida Department of Environmental Protection (FDEP), Division of Air Resource Management that establishes prevention of significant deterioration (PSD) applicability thresholds for greenhouse gas (GHG) emissions at the same emissions thresholds and in the same timeframes as those specified by EPA in the GHG Tailoring Rule. This approval gives FDEP the authority to regulate GHG-emitting sources and issue GHG PSD permits. FDEP's December 19, 2013 SIP revision also includes a GHG PSD Permit Transition Plan which governs the transition from EPA administering GHG PSD permitting requirements for Florida sources under a Federal Implementation Plan (FIP) to the State administering GHG PSD permitting requirements under its approved SIP. Under this GHG PSD Permit Transition Plan, FDEP will administer and enforce GHG PSD permits issued by EPA to Florida sources under the GHG PSD FIP. FDEP's authority over these existing EPA-issued GHG PSD permits includes the authority for FDEP to conduct general administration of these existing permits, authority to process and issue any and all subsequent permit actions relating to such permits, and authority to enforce such permits.

* * * * *

[FR Doc. 2014–11211 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0196; FRL–9909–71–Region 9]

Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District

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 Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen (NO_X) emissions from large water heaters, boilers, steam generators, and process heaters. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on July 18, 2014 without further notice, unless EPA receives adverse comments by June 18, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0196, by one of the following methods:

1. Federal eRulemaking Portal: *www.regulations.gov*. Follow the on-line instructions.
2. Email: *steckel.andrew@epa.gov*.
3. Mail or deliver: Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nicole Law, EPA Region IX, (415) 947–4126, *law.nicole@epa.gov*.

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agency and submitted by the California Air Resource Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Submitted
VCAPCD	5	Effective Date	04/13/04	07/19/04
VCAPCD	74.11.1	Large Water Heaters and Small Boilers	09/11/12	04/22/13
VCAPCD	74.15.1	Boilers, Steam Generators, and Process Heaters	09/11/12	04/22/13

On August 10, 2004, EPA determined that the submittal for VCAPCD Rule 5 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review. On June 26, 2013, EPA determined that the submittal for VCAPCD Rules 74.11.1 and 74.15.1 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

We approved an earlier version of Rule 5 into the SIP on September 22, 1972 (37 FR 19806). We approved earlier versions of Rule 74.11.1 into the SIP on December 20, 2000 (65 FR 79752) and Rule 74.15.1 on October 10, 2001 (66 FR 51576).

C. What is the purpose of the submitted rule revisions?

NO_X helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control NO_X emissions. Rule 74.11.1 lowers NO_X emission limits for units with rated heat input capacity of greater than or equal to 75,000 BTU/hr and less than 1,000,000 BTU/hr. Rule 74.11.1 will no longer regulate units with rated heat input capacity equal to or greater than 1,000,000 BTU/hr, but Rule 74.15.11 will. Rule 74.15.1 now regulates boilers with rated heat capacity equal to or greater than 1,000,000 BTU/hr and less than or equal to 2,000,000 BTU/hr, which were formerly regulated in Rule 74.11.1. Rule 74.15.1 also added a new section describing testing requirements which includes frequency of testing and the type of testing required. Rule 5 added a definition for existing equipment. EPA's technical support documents (TSDs) have more information about these rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each NO_X or VOC major source in ozone nonattainment areas classified as moderate or above (see sections 182(b)(2) and 182(f)), and must not relax existing requirements (see

sections 110(l) and 193). SIP rules must also implement Reasonable Available Control Measures (RACM), including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonable available control technology (RACT), as expeditiously as practicable for nonattainment areas (see CAA section 172(c)(1)). The Ventura County Air Pollution Control District regulates an ozone nonattainment area classified as serious for the 8-hour ozone NAAQS (see 40 CFR 81.305), so Ventura's Rules generally must fulfill RACT and RACM for NO_X.

Guidance and policy documents that we use to evaluate enforceability, RACT, and RACM requirements consistently include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement), 57 FR 55620, November 25, 1992.
3. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
4. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
5. ''NO_X Emissions from Industrial/Commercial/Institutional (ICI) Boilers,'' EPA–453/R–94–022, March 1994.
6. ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters,'' CARB, July 18, 1991.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, and SIP relaxations. We are not evaluating the RACM requirement in this action but believe that VCAPCD is required to evaluate any reasonably available control measure for the sources covered by these rules. We believe there are no sources subject to Rule 74.11.1 and Rule 74.15.1 that exceed the major source threshold (50 tpy), thus they are not required to meet RACT for NO_X. For this reason, we are not making a determination on RACT for Rules 74.11.1 and 74.15.1. The TSDs have more information on our evaluation. Rule 5 Effective Date is a rule specifying when rules are effective. The definition for ''existing equipment'' was added to clarify the rule. Rule 5 is a general rule and is not specific to source categories, so it was not evaluated for RACT or RACM. The rule revisions are not considered relaxations to the SIP as the only change was the addition of a definition.

C. EPA Recommendations To Further Improve the Rules

The TSDs describes additional rule revisions that we recommend for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by June 18, 2014, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 18, 2014. This will incorporate these rules into the federally enforceable SIP.

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.

III. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United

States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 18, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 21, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220, is amended by adding paragraphs (c)(332)(i)(B)(*4*) and (c)(429)(i)(A)(*2*) and (*3*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(332) * * *

(i) * * *

(B) * * *

(*4*) Rule 5, ''Effective Date,'' amended on April 13, 2004.

* * * * *

(429) * * *

(i) * * *

(A) * * *

(*2*) Rule 74.11.1, ''Large Water Heaters and Small Boilers,'' amended on September 11, 2012.

(*3*) Rule 74.15.1, ''Boilers, Steam Generators, and Process Heaters,'' amended on September 11, 2012.

* * * * *

[FR Doc. 2014–11430 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 10–71; FCC 14–29]

Retransmission Consent Negotiations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (''Commission'') adopts a rule providing that it is a violation of the duty to negotiate retransmission consent in good faith for a television broadcast station that is ranked among the top four stations as measured by audience share to negotiate retransmission consent jointly with another such station, if the stations are not commonly owned and serve the same geographic market. The rule is intended to promote competition among Top Four broadcast stations for carriage of their signals by multichannel video programming distributors and facilitate the fair and effective completion of retransmission consent negotiations.

DATES: Effective June 18, 2014.

FOR FURTHER INFORMATION CONTACT: Raelynn Remy, *Raelynn.Remy@fcc.gov,* Diana Sokolow, *Diana.Sokolow@fcc.gov,* or Kathy Berthot, *Kathy.Berthot@fcc.gov,* Federal Communications Commission, Media Bureau, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* FCC 14–29, adopted and released on March 31, 2014. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified ''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).

Synopsis

I. Introduction

In this Report and Order (''*Order*''), we revise our ''retransmission consent'' rules, which govern carriage negotiations between broadcast television stations and multichannel video programming distributors (''MVPDs''),[1] to provide that joint negotiation by stations that are ranked among the top four stations in a market as measured by audience share (''Top Four'' stations) and are not commonly owned constitutes a violation of the statutory duty to negotiate retransmission consent in good faith.[2] In March 2010, 14 MVPDs and public interest groups filed a rulemaking petition arguing that changes in the marketplace, and the increasingly contentious nature of retransmission consent negotiations, justify revisions to the Commission's rules governing retransmission consent. The Commission initiated this proceeding[3] and a robust record developed. Our action today addresses MVPDs' argument that competing broadcast television stations (''broadcast stations'' or ''stations'') obtain undue bargaining leverage by negotiating together when

[1] 47 U.S.C. 325(b)(1)(A).

[2] The statutory duty to negotiate retransmission consent in good faith applies to both broadcasters and MVPDs. *See* 47 U.S.C. 325(b)(3)(C).

[3] *Amendment of the Commission's Rules Related to Retransmission Consent,* Notice of Proposed Rulemaking, 76 FR 17071 (2011) (''*NPRM*'').

they are not commonly owned. It is our intention that this action will facilitate the fair and effective completion of retransmission consent negotiations.[4] In addition, in the *Further Notice of Proposed Rulemaking* (''*FNPRM*'') published at 79 FR 19849, April 10, 2014, we seek comment on whether to modify or eliminate the Commission's network non-duplication and syndicated exclusivity rules in light of changes in the video marketplace since these rules were first adopted more than forty years ago.

II. Background

Congress created the retransmission consent regime in 1992. It stated that it intended ''to establish a marketplace for the disposition of the rights to retransmit broadcast signals,'' but not ''to dictate the outcome of the ensuing marketplace negotiations.'' In recent years, the marketplace has changed in two significant ways. First, broadcasters have increasingly sought and received monetary compensation in exchange for retransmission consent. Second, while consumers seeking to purchase video programming service typically formerly had only one option—a cable operator—today consumers may choose among several MVPDs. In addition to MVPD services, today's consumers also access video programming on the Internet. Against this backdrop, the petitioners filed the Petition, asking the Commission to impose mandatory interim carriage while retransmission consent disputes are pending, and to impose dispute resolution mechanisms. After stating that the Commission did ''not believe that [it has] authority to require either interim carriage requirements or mandatory binding dispute resolution procedures'' in light of ''the statutory mandate in section 325 and the restrictions imposed by the [Administrative Dispute Resolution Act],'' the *NPRM* sought comment ''on other ways the Commission can protect the public from, and decrease the frequency of, retransmission consent negotiation impasses within [its] existing statutory authority.''

Section 325 of the Act prohibits broadcast television stations and MVPDs from ''failing to negotiate [retransmission consent] in good faith,'' and it provides that entering ''into retransmission consent agreements containing different terms and conditions, including price terms'' is not a violation of the duty to negotiate in good faith ''if such different terms and conditions are based on competitive marketplace considerations.''[5] Beginning in 2000, the Commission implemented the good faith negotiation statutory provisions through a two-part framework for determining whether retransmission consent negotiations are conducted in good faith. First, the Commission established a list of seven objective good faith negotiation standards, the violation of which is considered a *per se* breach of the good faith negotiation obligation.[6] Second, even if the seven specific standards are met, the Commission may consider whether, based on the totality of the circumstances, a party failed to negotiate retransmission consent in good faith.[7]

In the *NPRM,* the Commission sought comment on potential revisions to the Commission's framework for evaluating whether parties negotiate retransmission consent in good faith. Specifically, the Commission sought comment on several specific ways it could strengthen the good faith negotiation requirement, including ''whether it should be a *per se* violation for a station to grant another station or station group the right to negotiate or the power to approve its retransmission consent agreement when the stations are not commonly owned.'' The Commission's goal was to identify ways to ''increase certainty in the marketplace, thereby promoting the successful completion of retransmission consent negotiations and protecting consumers from impasses or near impasses.''

In addition, the *NPRM* sought comment on the potential benefits and harms of eliminating the Commission's rules concerning network non-duplication and syndicated programming exclusivity. When a network provides a station with exclusive rights to the network's programming within a certain geographic area, the Commission's network non-duplication rules permit the station to assert those rights through certain notification procedures.[8] In such circumstances, the rules permit a station to assert its contractual rights to network exclusivity within a specific geographic zone to prevent a cable system from carrying the same network programming aired by another station. Similarly, the syndicated exclusivity rules permit a station to assert its contractual rights to exclusivity within a specific geographic zone to prevent a cable system from carrying the same syndicated programming aired by another station.[9] We refer to the network non-duplication and syndicated exclusivity rules collectively as the ''exclusivity rules.''

III. Discussion

We amend our rules to provide that it is a violation of the duty to negotiate in good faith under section 325(b)(3)(C)(ii) of the Communications Act of 1934, as amended, for a television broadcast station that is ranked among the top four stations as measured by audience share to negotiate retransmission consent jointly with another such station, if the stations are not commonly owned[10] and serve the same geographic market (''joint negotiation''). We conclude that adopting a prohibition on joint negotiation is authorized by section 325 of the Act and serves the public interest by promoting competition among Top Four broadcast stations for MVPD carriage of their signals and the associated retransmission consent revenues. For the purpose of applying this rule, we further: (i) Define ''joint negotiation'' to encompass specified coordinated activities related to negotiation for retransmission consent between or among Top Four stations; (ii) confirm that stations that are deemed to be ''commonly owned'' based on the Commission's attribution rules are permitted to negotiate jointly; (iii) deem that Top Four stations that are licensed to operate in the same Designated Market Area (''DMA'')[11] serve the same geographic market; and (iv) define Top Four stations consistently with how we define such stations in our local television ownership rule. In addition, we conclude that stations subject to this rule are prohibited from engaging in

[4] The *NPRM* sought comment on additional issues related to retransmission consent, including strengthening the *per se* good faith negotiation standards in other specific ways, clarifying the totality of the circumstances good faith negotiation standard, revising the notice requirements related to dropping carriage of a television station, and application of the sweeps prohibition to retransmission consent disputes. *See NPRM,* 76 FR 17071 (2011). This *Order* addresses only joint negotiation and the record remains open on the other issues discussed in the *NPRM.* We realize that the views of both broadcasters and MVPDs may have evolved since we last sought comment in 2011 and they are free to provide additional comment on the remaining issues to the extent they so desire.

[5] 47 U.S.C. 325(b)(3)(C).

[6] 47 CFR 76.65(b)(1).

[7] *See* 47 CFR 76.65(b)(2).

[8] *See* 47 CFR 76.92 *et seq.*

[9] *See* 47 CFR 76.101 *et seq.*

[10] We use the phrases ''separately owned'' and ''not commonly owned'' interchangeably in referring to television broadcast stations that are subject to the prohibition on joint negotiation we adopt in this *Order.* For ease of reference, we use these terms to refer to Top Four stations that are not commonly owned, operated, or controlled under the Commission's attribution rules. *See* 47 CFR 73.3555 Notes.

[11] A DMA is a local television market area designated by Nielsen Media Research. There are 210 DMAs in the United States. *See www.nielsenmedia.com* (visited on January 14, 2014).

joint negotiation as of the effective date of rules we adopt in this *Order,* regardless of whether they are subject to existing agreements, formal or informal, obligating them to negotiate retransmission consent jointly.[12]

The record in this proceeding reflects divergent views about whether a rule prohibiting joint negotiation advances the public interest. In general, parties supporting such a rule, principally MVPDs and consumer groups, assert that joint negotiation enables broadcast stations to charge supra-competitive retransmission consent fees to MVPDs which, in turn, are passed along to consumers in the form of higher rates for MVPD services. ACA argues that joint negotiation harms consumers in additional ways, such as by heightening the disruption caused by negotiating breakdowns and depleting capital that MVPDs otherwise could use to deploy broadband and other advanced services. Proponents of a prohibition also claim that joint negotiation is a widespread and growing industry practice that warrants immediate remedial action, and that the Commission is empowered under section 325 of the Act and its legislative history to bar joint negotiation to stem further harm to consumers.

Parties opposing a rule barring joint negotiation, principally broadcasters, generally argue that there is no sound legal or policy basis for prohibiting joint negotiation, and that doing so is beyond the Commission's statutory authority, inconsistent with congressional intent, and contrary to Commission precedent. In addition, parties opposing a joint negotiation prohibition argue that joint negotiation enhances efficiency and reduces transaction costs, thereby facilitating agreements and resulting in lower retransmission consent rates. These parties also contend, among other things, that: (i) Joint negotiation does not give broadcast stations undue negotiating leverage relative to MVPDs, which do have such leverage, and in fact helps small broadcasters to reduce their operating costs and devote more resources to local programming; (ii) a prohibition on joint negotiation would arbitrarily inflict greater harm on some broadcasters based on spectrum allocation and market size; (iii) barring joint negotiation by broadcasters while allowing MVPDs to coordinate their negotiations would be inconsistent and inequitable; (iv) a rule proscribing joint negotiation is unnecessary because joint negotiation does not result in negotiating delays or other complications; and (v) joint negotiation does not equate to collusive or anticompetitive conduct, and antitrust law is better suited to address any such concerns. In the paragraphs below, we discuss the need for the prohibition on joint negotiation that we adopt today and then discuss the various elements of the rule. In so doing, we explain why we reject the above assertions.

A. Need for the Prohibition on Joint Negotiation

Based on our review of the record,[13] and pursuant to our authority in section 325 of the Act,[14] we revise section 76.65(b) of our rules to provide that it is a violation of the section 325(b)(3)(C)(ii) duty to negotiate in good faith for a Top Four television broadcast station (as measured by audience share) to negotiate retransmission consent jointly with another such station if the stations serve the same geographic market and are not commonly owned. We find persuasive the arguments of MVPDs and public interest groups who uniformly assert that adopting a rule prohibiting joint negotiation is necessary to prevent the competitive harms resulting from such negotiation.

In the *NPRM,* the Commission broadly sought comment on whether it should be a violation for any television broadcast station to grant another station or station group the right to negotiate or the power to approve its retransmission consent agreement when the stations are not commonly owned. However, the evidence in this proceeding persuades us to take a more limited approach, prohibiting outright only television broadcast stations that are ranked among the top four stations as measured by audience share from negotiating retransmission consent jointly with another such station, if the stations are not commonly owned and serve the same geographic market. Although economic theory supports a conclusion that joint negotiation among any two or more separately owned broadcast stations serving the same DMA will invariably tend to yield retransmission consent fees that are higher than those that would have resulted if the stations competed against each other in seeking fees, the record amassed in this proceeding is centered largely around evidence regarding the impact of joint negotiation by Top Four broadcast stations. With regard to Top Four broadcasters, we can confidently conclude that the harms from joint negotiation outstrip any efficiency benefits identified and that such negotiation on balance hurts consumers. Because the record lacks similar evidence with respect to other stations, we decline to adopt a prohibition that applies to all separately owned broadcast stations serving the same geographic market (*i.e.,* regardless of market share).

Our decision to adopt a rule addressing joint negotiation by Top Four stations is consistent with the Commission's previous determination, in implementing section 325(b)(3)(C) of the Act, that agreements not to compete or to fix prices are ''inconsistent with competitive marketplace considerations and the good faith negotiation requirement.'' In the *Good Faith Order,* the Commission stated:

> It is implicit in section 325(b)(3)(C) that any effort to stifle competition through the negotiation process would not meet the good faith negotiation requirement. Considerations that are designed to frustrate the functioning of a competitive market are not 'competitive marketplace considerations.' Conduct that is violative of national policies favoring competition—that is, for example . . . an agreement not to compete or to fix prices * * * is not within the competitive

[12] The rule does not apply to joint negotiation by same market, separately owned Top Four stations that has been completed prior to the effective date of the rules, and it does not invalidate retransmission consent agreements concluded through such negotiation.

[13] In this *Order,* we do not address arguments that are more appropriately considered in other Commission proceedings, such as those relating to possible attribution of agreements that provide for joint negotiation of retransmission consent under the Commission's ownership rules. *See 2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996,* MB Docket No. 14–50, Further Notice of Proposed Rulemaking and Report and Order, FCC 14–28 (adopted Mar. 31, 2014).

[14] Section 325(b)(3)(C)(ii) of the Act, which imposes on television broadcast stations a duty to negotiate retransmission consent in good faith, provides, in relevant part, that:

> The Commission shall . . . revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent. . . . Such regulations shall . . . prohibit a television broadcast station that provides retransmission consent from . . . failing to negotiate in good faith, and it shall not be a failure to negotiate in good faith if the television broadcast station enters into retransmission consent agreements containing different terms and conditions, including price terms, with different multichannel video programming distributors if such different terms and conditions are based on competitive marketplace considerations.

In addition, section 325(b)(3)(A) of the Act directs the Commission, among other things:

> to establish regulations to govern the exercise by television broadcast stations of the right to grant retransmission consent. . . . The Commission shall consider in such proceeding the impact that the grant of retransmission consent by television stations may have on the rates for the basic service tier and shall ensure that the regulations prescribed under this subsection do not conflict with the Commission's obligation . . . to ensure that the rates for the basic service tier are reasonable.

marketplace considerations standard included in the statute.[15]

Although complaints about joint negotiation between or among same market, separately owned Top Four stations could be addressed under our existing rules pursuant to the ''totality of circumstances'' test, we believe that adopting a rule specifically directed at such negotiation is more effective in preventing the competitive harms derived therefrom than case-by-case adjudication, and is more administratively efficient—particularly because parties entering a negotiation will be advantaged by advance notice of the appropriate process for such negotiation.

We conclude that joint negotiation by same market, separately owned Top Four stations is not consistent with ''competitive marketplace considerations'' within the meaning of section 325(b)(3)(C) because it eliminates price rivalry between and among stations that otherwise would compete directly for carriage on MVPD systems and the associated retransmission consent revenues.[16] Specifically, we find that joint negotiation gives such stations both the incentive and the ability to impose on MVPDs higher fees for retransmission consent than they otherwise could impose if the stations conducted negotiations for carriage of their signals independently.[17] Because same market, Top Four stations are considered by an MVPD seeking carriage rights to be at least partial substitutes for one another,[18] their joint negotiation prevents an MVPD from taking advantage of the competition or substitution between or among the stations to hold retransmission consent payments down.[19] The record also demonstrates that joint negotiation enables Top Four stations to obtain higher retransmission consent fees because the threat of simultaneously losing the programming of the stations negotiating jointly gives those stations undue bargaining leverage in negotiations with MVPDs.[20] This leverage is heightened because MVPDs may be prohibited from importing out-of-market broadcast stations carrying the same network programming as the broadcast stations at issue in the negotiations.

We therefore disagree with assertions that joint negotiation does not result in increases in retransmission consent compensation paid by MVPDs. Analyses in the record draw on basic economic principles to explain why coordinated conduct such as joint negotiation results in higher retransmission consent fees:

> [I]f two broadcasters can collectively threaten to withdraw their signals unless they are each satisfied, then they will be able to negotiate higher fees for everyone than if each broadcaster can only threaten to withdraw its own signal unless the broadcaster is satisfied. * * * [I]t is the ability to threaten collective withdrawal that creates the power to raise retransmission consent fees.[21]

The proposition that, when providers of inputs that are at least partial substitutes for one another bargain jointly with a downstream user of the inputs, the returns to the input providers are higher than if the input providers negotiated separately with the downstream user, has been validated in other economic contexts.[22] This general proposition is also reflected in the Federal Trade Commission (''FTC'') and Department of Justice (''DoJ'') merger[23]

[15] *See Good Faith Order,* 64 FR 15559–02 (2000).

[16] Our decision to adopt a rule proscribing joint negotiation is not premised on a finding that joint negotiation by separately owned, same market Top Four stations could lead to negotiating delays and other complications, but rather on our conclusion that such negotiation diminishes competition and thus leads to supra-competitive increases in retransmission consent fees. Thus, we do not address the merits of arguments that joint negotiation does not result in negotiating delays or other complications.

[17] *See* Joint Control or Ownership of Multiple Big 4 Broadcasters in the Same Market and Its Effects on Retransmission Consent Fees, William P. Rogerson, May 18, 2010, at 3 (attached to ACA's Comments in response to *PN*) (stating that, in a number of local television markets, multiple Top Four stations act as a single entity in retransmission consent negotiations because such stations enter into agreements to jointly negotiate retransmission consent, and that such coordinated activity permits broadcasters to negotiate higher retransmission consent fees) (''Rogerson Joint Control Analysis'').

[18] In this context, the term ''substitute'' means that ''the marginal value to the MVPD of either network is lower conditional on already carrying the other network.'' *See id.* at 7–8. In his analysis, Rogerson emphasizes that, even when this condition holds, the MVPD still would desire to carry both networks and would make higher profits from carriage of both. The numerical example proffered by Rogerson reflects this condition—the MVPD is assumed to earn a profit of $1.00 per subscriber if it carries only one of the two networks and a profit of $1.50 per subscriber if it carried both of the networks. Rogerson observes that ''[t]o the extent that customers appreciate and are willing to pay for increases in variety at a diminishing rate as variety increases, we would expect this condition to hold.'' *See id.* at 8–9. A good, although limited, example of partial substitution in this context would be local news and weather, which would typically be available on all Top Four broadcast stations in a market.

[19] *See* An Economic Analysis of Consumer Harm from the Current Retransmission Consent Regime, Michael L. Katz, *et al.*, Nov. 12, 2009, at 26–29, paras 38–43 (asserting that, ''to the extent broadcast stations entering into local marketing agreements are substitutes, such agreements eliminate competition and raise stations' bargaining power, which result in higher fees and harm consumers'') (''Katz Analysis of Consumer Harm''); Economic Analysis of Broadcasters' Brinksmanship and Bargaining Advantages in Retransmission Consent Negotiations, Steven C. Salop, *et al.,* June 3, 2010, at 53, para 108 (''[J]oint negotiation eliminates competition between [local broadcast stations serving the same market], and the MVPD is unable to gain a bargaining advantage by playing one broadcaster off against another.'') (''Salop Brinksmanship Analysis'').

[20] *See* Coordinated Negotiation of Retransmission Consent Agreements by Separately Owned Broadcasters in the Same Market, William P. Rogerson, May 27, 2011, at 11 (attached to ACA's Comments in response to *NPRM*) (''Rogerson Coordinated Negotiation Analysis''). A 2007 Congressional Research Service report on retransmission consent made a similar observation with regard to top network affiliates:

> [W]here a broadcaster * * * controls two stations that are affiliated with major networks, that potentially gives that broadcaster control over two sets of must-have programming and places a distributor * * * in a very weak negotiating position since it would be extremely risky to lose carriage of both signals.

See ACA Comments at 9, citing Charles B. Goldfarb, CRS Report for Congress, *Retransmission Consent and Other Federal Rules Affecting Programmer-Distributor Negotiations: Issues for Congress,* at CRS–70 (July 9, 2007), available at *http://www.policyarchive.org/handle/10207/bitstreams/19204.pdf.*

[21] *See* Rogerson Coordinated Negotiation Analysis at 3, 11. *See also* ACA Comments at 9, citing 2010 Rogerson Joint Control Analysis at 7–8. In his analyses, Rogerson presents a bilateral bargaining model to analyze the impact of joint negotiation on retransmission consent fees. The model considers a hypothetical example of two television broadcast stations negotiating for carriage with a cable operator, and compares the outcomes on the assumption of separate negotiations and on the assumption of joint negotiation. The model, illustrated by a numerical example, reflects the assumption that the two stations are partial substitutes. *See* Rogerson Joint Control Analysis at 7–8. *See also* Aviv Nevo, Deputy Assistant Att'y Gen. for Economics, Antitrust Div., Dep't of Justice, Remarks at the Stanford Institute for Economic Policy Research and Cornerstone Research Conference on Antitrust in Highly Innovative Industries: Mergers that Increase Bargaining Leverage 3–5 (Jan. 22, 2014) (employing a similar model and assumptions to support an assertion that joint negotiation by two input providers leads to increases in the prices paid by a distributor).

[22] The quintessential example of joint negotiation by input providers is collective bargaining by union members. A paper by Horn and Wolinsky addresses the question whether, if a firm employs workers of two types, it is better for the workers to form two separate unions or one ''encompassing'' union. *See* Henrik Horn & Asher Wolinsky, *Worker Substitutability and Patterns of Unionisation,* 98 The Economic Journal 484–497 (1988). The paper ''developed a bargaining model for the case in which two groups of workers face a single employer . . . [and] pointed out a fairly general principle whose implication . . . was that, when the two types of workers are substitute factors, they would benefit from coordinating their bargaining with the employer.'' *Id.* at 496. The paper begins with a bargaining model that involves two workers (one of each type) who negotiate with a single employer. The model shows that, when the workers are substitutes, total wages are higher if they negotiate jointly. The paper goes on to extend the model to the case of two groups of workers, with analogous results, but the base model has the same structure as that in the Rogerson Joint Control Analysis.

[23] *See* U.S. Department of Justice and the Federal Trade Commission *Horizontal Merger Guidelines,* issued August 19, 2010 (available at *http://www.ftc.gov/sites/default/files/attachments/merger-review/100819hmg.pdf.*) (''Merger Guidelines'').

and collaboration [24] guidelines. DoJ has recognized that collaboration by competing broadcast stations could ''harm competition by increasing the potential for firms to coordinate over price or other strategic dimensions, and/or by reducing incentives of firms to compete with one another.'' [25]

In its review of the Comcast-NBCU transaction, the Commission stated that this theory of harm ''is a well-established concern in antitrust enforcement'' and concluded that coordinated negotiations of carriage rights for two blocks of ''must have'' programming (in that case, an NBC owned and operated station (O&O) and a Comcast Regional Sports Network (''RSN'')) would give increased bargaining leverage to the programmer and lead to higher prices for an MVPD buyer, who would be at risk of losing two highly desirable signals if negotiations failed to yield an agreement.[26] In particular, the Commission found that common ''ownership of these two types of programming assets in the same region allowed the joint venture to charge a higher price for the RSN relative to what would be observed if the RSN and local broadcast affiliate were separately-owned.'' Although the Commission in that context was considering the competitive effects of combining a broadcast network and an RSN, we believe that two (or more) broadcast stations that are ranked among the top four stations in a market by audience share offer at least a comparable level of substitution to an MVPD bargaining for carriage rights.[27] Furthermore, Rogerson's bargaining model suggests that the more valuable the stations' programming is, the greater is the increase in retransmission consent fees resulting from joint negotiation.[28] We thus find it reasonable to infer that the magnitude of fee increases derived from joint negotiation is larger for Top Four station combinations than for other stations.

Empirical data in the record lends support to the theory that joint negotiation by Top Four stations leads to increases in retransmission consent fees. In particular, ACA references an example indicating that, where a single entity controls retransmission consent negotiations for more than one Top Four station in a single market, the average retransmission consent fees paid for such stations was more than twenty percent higher than the fees paid for other Top Four stations in those same markets.[29] Data filed in the record from three cable operators also lends support to our conclusion that joint negotiation between or among separately owned, same market Top Four stations leads to supra-competitive increases in retransmission consent fees.[30] We find these empirical data to be persuasive evidence of how joint negotiation can affect the level of retransmission consent fees in cases involving Top Four stations operating in the same market. In view of the apparent widespread nature of joint negotiation involving Top Four stations [31] and the expected growth of retransmission consent fees,[32] we find that the record provides ample support for our decision to adopt a rule barring joint negotiation

Section 6.2 of the Merger Guidelines reads, in pertinent part:

In many industries, especially those involving intermediate goods and services, buyers and sellers negotiate to determine prices and other terms of trade. In that process, buyers commonly negotiate with more than one seller, and may play sellers off against one another. * * * A merger between two competing sellers prevents buyers from playing those sellers off against each other in negotiations. This alone can significantly enhance the ability and incentive of the merged entity to obtain a result more favorable to it, and less favorable to the buyer, than the merging firms would have offered separately absent the merger.

Id. at 22. The Merger Guidelines note that the mechanism and the magnitude of the effect on price can vary with certain structural characteristics, and the specific discussion refers to situations when the products are complete substitutes, *e.g.,* the buyer would not necessarily purchase from both providers separately. Nevertheless, the ''collective withdrawal'' mechanism of the Rogerson model is analogous to the ability of two merged, formerly competing sellers to prevent a buyer from playing one against the other. And the result is the same as in the Rogerson model—enhanced ability and incentive of the merged entity ''to obtain a result more favorable to it, and less favorable to the buyer.'' *Id.* Thus, the cited proposition from the Merger Guidelines also applies to joint negotiation by entities that are not seeking to merge. In a recent *ex parte* filing in the Quadrennial Review proceeding, DoJ stated that, ''[w]here a proposed cooperative agreement essentially combines the operations of two rivals and eliminates all competition between them . . ., [DoJ] analyzes the agreement as it would analyze a merger, regardless of how the arrangement has been labeled. . . .'' *See Ex Parte* Filing of the Department of Justice, MB Docket Nos. 09–182, 07–294, 04–256, February 20, 2014, at 10 (''DoJ Feb. 20, 2014 *Ex Parte* filing'').

[24] *See* Federal Trade Commission and U.S. Department of Justice, *Antitrust Guidelines for Collaborations Among Competitors* (Apr. 2000) (available at *http://www.ftc.gov/sites/default/files/documents/public_events/joint-venture-hearings-antitrust-guidelines-collaboration-among-competitors/ftcdojguidelines-2.pdf.*) (''Collaboration Guidelines''). The Collaboration Guidelines state, in relevant part, that:

Competitor collaborations may involve agreements jointly to sell, distribute, or promote goods or services that are either jointly or individually produced. Such agreements may be procompetitive, for example, where a combination of complementary assets enables products more quickly and efficiently to reach the marketplace. However, marketing collaborations may involve agreements on price, output, or other competitively significant variables, or on the use of competitively significant assets, such as an extensive distribution network, that can result in anticompetitive harm. Such agreements can create or increase market power or facilitate its exercise by limiting independent decision making; by combining in the collaboration, or in certain participants, control over competitively significant assets or decisions about competitively significant variables that otherwise would be controlled independently; or by combining financial interests in ways that undermine incentives to compete independently. For example, joint promotion might reduce or eliminate comparative advertising, thus harming competition by restricting information to consumers on price and other competitively significant variables.

Id. at 14.

[25] *See* DoJ Feb. 20, 2014 *Ex Parte* filing at 17.

[26] *See Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses and Transfer Control of Licensees*, Memorandum Opinion and Order, 26 FCC Rcd 4238, 4294 paras 135–136 (2011) (''Comcast-NBCU Order''). The Commission stated:

If failing to reach an agreement with the seller will result in a worse outcome for the buyer—if its alternatives are less attractive than they were before the transaction—then the buyer's bargaining position is weakened and it can expect to pay more for the products. * * * If not carrying either the NBC [O&O] or the RSN places the MVPD is a worse competitive position than not carrying one but still being able to carry the other, the MVPD will have less bargaining power after the transaction, and is at risk of having to pay higher rates.

The Commission employed the type of bargaining model proposed by Rogerson to analyze this situation and then validated its theoretical analysis by examining the impact of the integration of a Fox O&O station with a Fox RSN. Using a control group of Fox RSNs not jointly owned with a local television station, the empirical analysis indicated that integration allowed Fox to charge a higher price for the RSN than it could have realized without the integration. *Id.* at 4398, Appendix B,—54. The Commission approved the transaction, but only on the condition that the newly combined entity not discriminate against competitor MVPDs or raise their costs by charging them higher programming fees. The Commission also imposed a ''baseball-style'' arbitration to enforce this non-discrimination requirement. *Id.* at 4259–50.

[27] We thus disagree with NAB's suggestion that same market, separately owned Top Four stations are not substitutes for one another.

[28] Because Rogerson's model assumes that the percentage split between the broadcast stations and the MVPD of the joint profits of carriage does not vary as the value of the stations' programming increases, it follows as a matter of arithmetic that as the value of the stations' programming increases, so does the magnitude of the retransmission consent fee.

[29] Rogerson Joint Control Analysis at 11–12, citing *Ex Parte* Comments of Suddenlink Communications in Support of Mediacom Communications Corporation's Retransmission Consent Complaint, *Mediacom Communications Corp., Complainant v. Sinclair Broadcast Group, Inc., Defendant,* CSR No. 8233–C, 8234–M, at 5.

[30] *See* Letter from Scott Ulsaker, Pioneer Telephone Cooperative, to Marlene H. Dortch, Secretary, FCC, at 1 (Feb. 20, 2014); Letter from Christopher A. Dyrek, Cable America Missouri LLC, to Marlene H. Dortch, Secretary, FCC, at 1–2 (Feb. 20, 2014); Letter from Stuart Gilbertson, USA Communications, to Marlene H. Dortch, Secretary, FCC, at 1 (Feb. 24, 2014).

[31] *See* ACA Comments at 7; ACA Reply at 33–35; Letter from Barbara S. Esbin, Counsel to the American Cable Association, to Marlene H. Dortch, Secretary, FCC, at 2 (Nov. 20, 2012). *See also* DIRECTV Dec. 6, 2013 *Ex Parte* Letter and Attachment.

[32] *See* Rogerson Coordinated Negotiation Analysis at 23; Salop Brinksmanship Analysis at 16–18.

by same market, separately owned Top Four stations.

We believe that a rule barring joint negotiation may, by preventing supra-competitive increases in retransmission consent fees, tend to limit any resulting pressure for retail price increases for subscription video services.[33] While there is an argument that at least a part of retransmission fee increases likely will be passed on to consumers, our decision to adopt a prohibition on joint negotiation is not premised on rate increases at the retail level. Cable operators are not required to pass through any savings derived from lower retransmission consent fees, and fee increases resulting from joint negotiation may not compare in magnitude to other costs that MVPDs incur. But artificially higher retransmission rates do increase input costs for MVPDs, and anticompetitive harm can be found at any level of distribution. Nor is the possibility that supra-competitive retransmission consent fees derived from joint negotiation might enable broadcasters to invest in higher quality programming, as some parties assert, a valid basis for permitting an anticompetitive arrangement that generates those fees. We reject the suggestion that the public interest is served merely because an arrangement generally increases the funds available to broadcasters, if that arrangement otherwise is anticompetitive and potentially harmful to consumers.

We are not persuaded by opponents of a prohibition on joint negotiation who argue that joint negotiation promotes efficiency by reducing transaction costs, and that the cost savings, in turn, lead to lower retransmission consent rates. NAB further asserts that, to the extent joint negotiation lowers transaction costs, broadcasters are able to devote resources to programming and services that more directly serve the viewing public. Moreover, NAB asserts that joint negotiation permits retransmission consent agreements to be completed expeditiously by reducing the total number of agreements that must be negotiated, thus decreasing the administrative burdens for both broadcast stations and MVPDs. The claimed efficiencies are not ongoing operational efficiencies, but rather asserted savings of transaction costs in connection with isolated transactions that occur for any broadcaster at three-year or even longer intervals.[34] We therefore believe that any such efficiencies are likely to be modest and outweighed by the harm from an anticompetitive practice that the record indicates generates supra-competitive retransmission consent fees.

Sinclair contends that prohibiting joint negotiation would arbitrarily harm certain broadcasters based on spectrum allocation and market size. In particular, Sinclair asserts that, because common ownership is permitted in markets with a sufficient number of stations (thereby allowing a broadcaster to negotiate on behalf of two co-owned stations), a ban on joint negotiation would unfairly single out broadcasters located in markets having too few broadcast stations to permit common ownership under the Commission's rules. We find that unpersuasive. We note that the local television ownership rule prohibits Top Four stations from being commonly owned in markets of any size. Therefore, the rule that we adopt today will not, as Sinclair suggests, have a disparate adverse impact on separately owned Top Four stations in small markets.

We reject assertions that the Commission should permit joint negotiation because it promotes a level playing field for stations in small and medium sized markets where an MVPD has significant bargaining leverage. The size and bargaining power of individual broadcasters and MVPDs vary significantly from market to market, depending on market size, concentration, popularity of programming, and many other factors. We do not consider it the Commission's role in the retransmission consent process to adjust bargaining power between suppliers and their customers by countenancing anti-competitive practices. But we do see it as our role to prohibit arrangements among competitors that eliminate competition among them and thereby generate supra-competitive retransmission consent fees, because ''any effort to stifle competition through the negotiation process would not meet the good faith negotiation requirement'' imposed by Congress.

We disagree with NAB's assertion that the Commission previously has found that joint negotiation is consistent with competitive marketplace considerations. In particular, NAB contends that adopting a prohibition on joint negotiation is inconsistent with the Commission's statement in the *Good Faith Order* that ''[p]roposals for carriage conditioned on carriage of any other programming, such as . . . another broadcast station either in the same or a different market'' are ''presumptively . . . consistent with competitive marketplace considerations and the good faith negotiation requirement.'' However, the cited language in the *Good Faith Order* can reasonably be read to address the issue of whether broadcasters may lawfully seek in-kind retransmission consent compensation in the form of carriage of other programming owned by the broadcaster itself, not programming owned by other entities. Interpreting that language to permit a broadcast station to tie carriage of its signal to carriage of a signal transmitted by a separately owned broadcast station in the same market would be at odds with the Commission's statement later in the *Good Faith Order* that ''an agreement not to compete or to fix prices . . . is not within the competitive marketplace considerations standard included in the statute.'' We thus reject NAB's reading of the *Good Faith Order.*

We believe that prohibiting joint negotiation is harmonious with antitrust law, which generally prohibits contracts or combinations in restraint of trade.[35]

[33] *See* DoJ Feb. 20, 2014 *Ex Parte* filing at 9.

[34] As ACA notes, the costs that are spared by allowing stations to engage in joint negotiation likely are limited to the cost of hiring a negotiator and related administrative expenses. *See* ACA Reply at 36. In addition, these costs are borne by stations relatively infrequently because retransmission consent negotiations typically occur only every three years. Rogerson Coordinated Negotiation Analysis at 18.

[35] Section 1 of the Sherman Act prohibits ''[e]very contract, combination . . . or conspiracy, in restraint of trade,'' including price fixing and collusive arrangements. *See* 15 U.S.C. 1. We note that DoJ has brought one antitrust action based on the theory that joint negotiation results in anticompetitive increases in retransmission consent fees. In *U.S.* v. *Texas Television, Inc., et al.,* DoJ alleged that the ABC, NBC and CBS affiliates operating in the Corpus Christi, Texas market violated section 1 of the Sherman Act by entering into ''combinations and conspiracies in unreasonable restraint of interstate trade and commerce'' that consisted of ''agreements, understandings and concerted actions . . . to increase the price of retransmission rights to cable companies.'' *See* Complaint, *U.S.* v. *Texas Television, Inc., Gulf Coast Broadcasting Company, and K-Six Television, Inc.,* Civil Action No. C–96–64 (S.D. Texas, 1996) at 5, *available at http://www.justice.gov/atr/cases/f0700/0745.htm.* The court appended to its final judgment DoJ's Competitive Impact Statement, which identified alleged harms resulting from the defendants' joint negotiation. *See U.S.* v. *Texas Television, Inc., Gulf Coast Broadcasting Company, and K-Six Television, Inc.,* Civil Action No. C–96–64, 1996 WL 859988 at *5 (S.D. Texas, Feb. 15, 1996). The Competitive Impact Statement stated:

The Supreme Court has long recognized that certain types of concerted refusals to deal or group boycotts [are] *per se* violations of the Sherman Act, even when they fall short of outright price-fixing. The agreements between the broadcasters fell into this category because they had the purpose and effect of raising the price of retransmission rights.* * * Moreover, the Supreme Court has held that an agreement between rival companies that restrains competition between them is illegal when it lacks, as did the agreements among these broadcasters, any pro-competitive justification. Although the 1992 Cable Act gave broadcasters the right to seek compensation for retransmission of

In particular, we find that joint negotiation between or among Top Four stations that are not commonly owned and that serve the same market is akin to the type of coordinated conduct disfavored by antitrust law because, as discussed above, the stations negotiating jointly are programming inputs for an MVPD that are at least partially substitutable. In other words, absent their coordination, such stations would compete head-to-head for distribution on MVPD systems and the associated retransmission consent revenues.

The Commission on multiple occasions has drawn on antitrust principles in exercising its responsibility under the Act to regulate broadcasting in the public interest. Indeed, the Commission's authority under Title III of the Act to regulate broadcasting in the public interest empowers us to prescribe regulation that not only prevents anticompetitive practices, but also affirmatively promotes competition. And we have concluded that conduct that violates our national policies favoring competition is ''not within the competitive marketplace considerations standard'' set forth in section 325(b)(3)(C) of the Act.

B. Elements of the Prohibition on Joint Negotiation

Stations Not ''Commonly Owned.'' We conclude that we should apply the rule prohibiting joint negotiation only to same market, Top Four broadcast stations that are not ''commonly owned'' [36] and that we will base the determination regarding whether stations are commonly owned on the Commission's broadcast attribution rules. Although those rules do not define the phrase ''commonly owned'' or similar phrases, they identify the interests that are deemed to be attributable for purposes of applying the Commission's media ownership restrictions.[37] Stations that are not subject to the prohibition on joint negotiation thus include Top Four stations that are deemed to be under common ownership, operation or control pursuant to section 73.3555 of the Commission's rules.[38] No party has suggested in this proceeding that, in applying a rule barring joint negotiation, we should define common ownership in a way that is different from how the concept currently is defined in our attribution rules.

Stations that Serve the Same Geographic Market. For the purpose of applying the rule prohibiting joint negotiation, we also conclude that broadcast stations are deemed to serve the same geographic market if they operate in the same DMA.[39] Because a broadcast station that enters into a retransmission consent agreement with an MVPD is entitled to carriage of its signal within the DMA it serves, broadcast stations are considered to be programming substitutes for an MVPD only if they operate in the same DMA. In addition, section 76.55(e)(2) of the Commission's rules provides that ''a commercial broadcast television station's market . . . shall be defined as its [DMA] . . . as determined by Nielsen Media Research and published in its Nielsen Station Index Directory and Nielsen Station Index US Television Household Estimates or any successor publications.'' Defining the relevant geographic market as the DMA is consistent with our local television ownership rule, which, as noted above, prohibits an entity from owning, operating, or controlling two stations licensed in the same DMA, with certain exceptions. Parties that support a prohibition on joint negotiation generally seem to agree that the DMA is the relevant geographic market for purposes of a rule barring joint negotiation, and no party has suggested that the geographic market should be defined differently.

''*Top Four'' Station.* For the purpose of applying the rule prohibiting joint negotiation, we conclude that a station is deemed to be a Top Four station if it is ranked among the top four stations in a DMA, based on the most recent all-day (9 a.m.-midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service. Defining Top Four stations in this manner is consistent with our local television ownership rule.

C. Prohibited Practices

For the purpose of applying the rule barring joint negotiation, we define ''joint negotiation'' to encompass specified coordinated activities relating to retransmission consent between or among separately owned Top Four stations serving the same DMA. In the NPRM, we sought comment on ''whether it should be a *per se* violation for a station to grant another station or station group the right to negotiate or the power to approve its retransmission consent agreement when the stations are not commonly owned.'' We agree with parties asserting that a prohibition on joint negotiation must be crafted broadly enough to target collusive behavior effectively. For example, ACA argues that, although much of the existing coordination occurs among broadcast stations under the rubric of formal agreements, a prohibition should apply not only to agreements that are legally binding, but also to less formal methods of coordination, *e.g.,* where broadcasters communicate with each other and follow a collective course of action that maximizes their joint profits, but where the arrangement is not enforceable through a legally binding agreement. We share ACA's concern that, even if coordination is currently accomplished largely through legally binding agreements, broadcast stations could readily switch to non-binding forms of collaboration if a rule prohibited only those that were legally binding. Thus,

their television signals, the antitrust laws require that such rights be exercised individually and independently by broadcasters. When competitors in a market coordinate their negotiations so as to strengthen their negotiating positions against third parties and so obtain better deals . . . their conduct violates the Sherman Act.

Id. at 6–8. While *Texas Television* addressed a specific factual scenario that is not before us here, DoJ's action supports our conclusion that joint negotiation by Top Four stations not commonly owned is harmful to competition. As noted above, DoJ, in its *ex parte* filing in the Quadrennial Review proceeding, reinforced this conclusion. *See* DoJ Feb. 20, 2014 *Ex Parte* filing at 14–15. Thus, antitrust principles point in the same direction as the prohibition we adopt today although, of course, our authority under section 325 is not limited to the prohibition of conduct that falls within the scope of the Sherman Act and a showing that, in a particular case, joint negotiation would not be actionable under section 1 of the Sherman Act would not defeat the exercise of the statutory power that Congress separately and specifically has provided to the Commission. Although DoJ's action was targeted at coordinated behavior by broadcast stations with significant market share like the rule we adopt here, we find that the adoption of targeted, prescriptive rules is more efficient and effective in preventing the competitive harms derived from joint negotiation than case-by-case antitrust litigation, which Sinclair has suggested. *See* Sinclair Comments at 23.

[36] We do not apply the rule to stations that are commonly owned because we find that joint negotiation by such stations does not present the same competitive concerns as joint negotiation by separately owned stations. In cases of common ownership, the local television ownership rule has permitted a combination of interests that is consistent with the rule's goal of ensuring competition among television broadcast stations in a given local television market.

[37] Such interests are not limited to equity interests in a broadcast licensee. *See* 47 CFR 73.3555 Notes.

[38] *See* 47 CFR 73.3555 Notes. For example, Top Four stations that the Commission has permitted to be commonly owned, operated, or controlled pursuant to a waiver of the local television ownership rule will be permitted to engage in joint negotiation.

[39] Although we proposed to adopt a rule that was not limited in application to stations serving the same geographic market, we adopt a rule that is more narrow in scope because we conclude that the competitive concerns discussed above are present only in cases where joint negotiation involves stations that, absent such negotiation, would compete directly for retransmission consent revenues. Such stations are those that compete for carriage on MVPD systems in the same DMA.

consistent with antitrust precedent and ACA's suggestions,[40] we conclude that joint negotiation includes the following activities:

(i) Delegation of authority to negotiate or approve a retransmission consent agreement by one Top Four broadcast television station (or its representative) to another such station (or its representative) that is not commonly owned and that serves the same DMA;

(ii) delegation of authority to negotiate or approve a retransmission consent agreement by two or more Top Four broadcast television stations that are not commonly owned and that serve the same DMA (or their representatives) to a common third party;

(iii) any informal, formal, tacit or other agreement and/or conduct that signals or is designed to facilitate collusion regarding retransmission terms or agreements between or among Top Four broadcast television stations that are not commonly owned and that serve the same DMA. This provision shall not be interpreted to apply to disclosures otherwise required by law or authorized under a Commission or judicial protective order.

We believe that defining joint negotiation to encompass the practices above likely would cover all forms of joint negotiation agreements, whether legally binding or not. We note that the Commission, in another context, has adopted anti-collusion rules that proscribe a variety of coordinated activities, not merely those resulting from binding contracts. Although the criteria we adopt for defining joint negotiation are similar to those proposed by ACA, we find the fourth prong of ACA's proposed language to be overly broad in that it could be read to cover legally required disclosures and disclosures of information that is not competitively sensitive and would not facilitate collusion on the terms of retransmission consent. Instead, we adopt the third category of proscribed activities noted above relating to covert collaboration such as price signaling, which deviates from ACA's proposal, and which generally is consistent with antitrust precedent. Moreover, our definition of joint negotiation generally is consistent with the *Texas Television* decision, in which the court imposed restrictions on the defendant stations that were similarly broad in scope.[41] No party in this proceeding specifically addressed the merits of ACA's proposed list of prohibited activities or suggested alternative criteria.

D. Authority To Adopt the Prohibition on Joint Negotiation

We conclude that we are authorized under section 325 of the Act to adopt a rule barring joint negotiation by separately owned Top Four stations serving the same market. Some commenters assert that the Commission lacks authority to adopt a rule barring joint negotiation and that such a prohibition is inconsistent with congressional intent. For example, NAB argues that, when section 325 was enacted, operating agreements among separately owned broadcast stations were commonplace. According to NAB, the fact that Congress declined to establish any limitations on the number of markets, systems, stations or programming streams that could be addressed simultaneously in retransmission consent negotiations evinces its intent to permit joint negotiation. LIN points to language in section 325's legislative history that provides that ''[i]t is the Committee's intention to establish a marketplace for the disposition of the rights to retransmit broadcast signals; it is not the Committee's intention * * * to dictate the outcome of the ensuing marketplace negotiations,'' as evincing Congress's intent not to bar joint negotiation. Some parties assert that restricting joint negotiation would impose a bargaining limitation on broadcasters while allowing MVPDs to enter into similar relationships, and thus would be at odds with Congress's desire to make the good faith bargaining obligations reciprocal.

We find these arguments to be unpersuasive. As noted above, section 325(b)(3)(A) of the Act directs the Commission ''to establish regulations to govern the exercise by television broadcast stations of the right to grant retransmission consent.'' We conclude that this provision grants the Commission authority to adopt rules governing retransmission consent negotiations, including the rule barring joint negotiation we adopt in this *Order.* Moreover, we conclude that section 325(b)(3)(C)(ii) of the Act provides an independent statutory basis for our rule. As noted, section 325(b)(3)(C)(ii) directs the Commission to adopt rules that ''prohibit a television broadcast station that provides retransmission consent from * * * failing to negotiate in good faith,'' and provides that ''it shall not be a failure to negotiate in good faith if the television broadcast station enters into retransmission consent agreements containing different terms and conditions, including price terms, with different multichannel video programming distributors if such different terms and conditions are based on competitive marketplace considerations.'' Because, as discussed above, joint negotiation undermines competition among Top Four, same market broadcast stations that otherwise would compete for carriage on MVPD systems, the terms and conditions resulting from such negotiation are not based on competitive marketplace considerations. Accordingly, we find that adopting a rule barring such practices is well within our authority under this provision.

We find nothing in the legislative history of section 325 to support assertions that the Commission lacks authority to establish rules prohibiting joint negotiation. First, even if we were to credit NAB's assertion that Congress was aware of sharing agreements (including those providing for joint negotiation) when it enacted section 325, we are not persuaded that Congress's decision not to expressly bar such agreements in the statute indicates that it intended to require the Commission to permit them. Where, as here, Congress has granted the Commission broad discretion to adopt rules implementing section 325, including rules defining the scope of the good faith obligation, we find it reasonable to conclude that Congress did not identify in the statute every practice or arrangement that might violate that obligation, and instead relied on the Commission to make such determinations.

Contrary to the assertions of LIN and Journal, we also do not believe that establishing a rule addressing joint negotiation by Top Four stations is inconsistent with Congress's desire in section 325 merely to establish a marketplace for the rights to retransmit

[40] The Commission also has recognized that collusive behavior can take various forms and is not limited to formal agreements between or among market participants.

[41] In particular, the court prohibited each defendant from: (1) Directly or indirectly entering into, adhering to, maintaining, soliciting, or knowingly performing any act in furtherance of any contract, agreement, understanding or plan with any television broadcaster not affiliated with that defendant relating to retransmission consent or retransmission consent negotiations; (2) directly or indirectly communicating to any television broadcaster not affiliated with that defendant: (i) any information relating to retransmission consent or retransmission consent negotiations, including, but not limited to, the negotiating strategy of any television broadcaster, or the type or value of any consideration sought by any television broadcaster; or (ii) any information relating to the negotiating strategy of any television broadcaster, or to the type or value of any consideration sought by any television broadcaster relating to any actual or proposed transaction with any MVPD. *See* Final Judgment, *U.S.* v. *Texas Television, Inc., Gulf Coast Broadcasting Company, and K-Six Television, Inc.,* Civil Action No. C–96–64 (S.D. Texas, 1996) at 2, *available at http://www.justice.gov/atr/cases/f0700/0748.htm.*

broadcast signals. Rather, we believe that Congress's goal of a competitive marketplace is directly furthered by this rule, which is precisely designed to prevent a Top Four television broadcast station from obtaining undue leverage in its retransmission consent negotiations by virtue of an arrangement with a competing Top Four station. Thus, rather than ''dictating the outcome'' of the negotiation, our rule simply addresses the process of retransmission consent negotiations in a manner that protects the competitive working of the marketplace in which retransmission consent is negotiated. The rule neither compels negotiating parties to reach agreement nor prescribes the terms and conditions under which MVPDs may retransmit broadcast signals.

We disagree with assertions that prohibiting joint negotiation by broadcasters without addressing joint negotiation by MVPDs is inconsistent with Congress's decision to impose a good faith bargaining obligation on both broadcast stations and MVPDs. MVPDs are obligated by the statute to negotiate retransmission consent in good faith. Where MVPDs that serve the same geographic market jointly negotiate for the right to retransmit broadcast signals, they may be subject to a complaint under the totality of circumstances test for a violation of that reciprocal duty and we may give close scrutiny to such joint negotiation. But although some commenters have provided anecdotal evidence of joint negotiation by MVPDs, the record does not establish that this is a widespread practice or the extent to which such joint negotiation affects retransmission consent fees obtained by broadcasters. Therefore, we decline to address at this time whether joint negotiation by same market MVPDs should be considered a violation of the duty to negotiate retransmission consent in good faith. Of course, should circumstances warrant, this issue can be considered by the Commission in the future as it protects and promotes competition.

E. Effect on Existing Agreements

We conclude that Top Four stations subject to the rule prohibiting joint negotiation are barred from engaging in such negotiation as of the effective date of the rules we adopt in this *Order,* regardless of whether the stations are subject to existing agreements, formal or informal, written or oral, that obligate them to negotiate retransmission consent jointly. On the other hand, the rule does not apply to joint negotiation by same market, separately owned Top Four stations that has been completed prior to the effective date of the rules, and it does not invalidate retransmission consent agreements concluded through such negotiation. Thus, an MVPD that files a complaint pursuant to the rule would need to demonstrate that the alleged good faith violation occurred after the effective date of the rule. Applying the rule to existing agreements in this limited manner is not impermissibly retroactive because, simply put, the rule has no retroactive effect. Given the potential harm to competition and consumers that we have found stems from joint negotiation, we find that the public interest will be served by barring enforcement of agreements to negotiate jointly between or among separately owned Top Four stations serving the same DMA as of the effective date of rules adopted in this *Order.* As we have noted in other contexts, the law affords us broad authority to establish new rules prohibiting future conduct, including conduct pursuant to a pre-existing contract, where the public interest so requires.

We conclude that the Takings Clause of the Fifth Amendment presents no obstacle to barring enforcement of existing agreements to negotiate jointly by separately owned Top Four stations that serve the same DMA. First, this action does not involve the permanent condemnation of physical property and thus does not constitute a *per se* taking.

It also is not a regulatory taking. The Supreme Court has outlined the framework for evaluating regulatory takings claims as first established in *Penn Central Transportation Co.* v. *New York City:*

> In all of these cases, we have eschewed the development of any set formula for identifying a 'taking' forbidden by the Fifth Amendment, and have relied instead on ad hoc, factual inquiries into the circumstances of each particular case. To aid in this determination, however, we have identified three factors which have particular significance: (1) The economic impact of the regulation on the claimant; (2) the extent to which the regulation has interfered with distinct investment-backed expectations; and (3) the character of the governmental action.[42]

The Court has stated that a party challenging the governmental action bears a substantial burden because not every destruction or injury to property that results from economic regulation effects an unconstitutional taking. Rather, a regulation's constitutionality is evaluated ''by examining the governmental action's 'justice and fairness.' ''

The above factors counsel against finding a regulatory taking here. First, prohibiting the enforcement of agreements that contemplate joint negotiation by same market, separately owned Top Four stations would impact those stations economically only by denying them the supra-competitive retransmission consent fees such joint negotiation might yield and whatever efficiencies joint negotiation might entail, which efficiencies we have found would likely be slight. As noted above, the rule we adopt is targeted only at coordinated activities among competitors that we find are harmful to competition and consumers. The fact that regulation might prevent the most profitable use of property is not dispositive of whether such regulation effects an unconstitutional taking. Thus, under the first prong of the takings analysis, any economic impact on stations subject to the rule is outweighed by our public interest objectives of promoting competition in local television markets and protecting consumers.

Second, applying the rule only to prohibit future joint negotiation under existing agreements does not improperly interfere with distinct investment-backed expectations. As early as 2000, when the Commission initially adopted rules to implement section 325(b)(3)(C)(ii) of the Act, it concluded that ''[p]roposals that result from agreements not to compete or to fix prices'' are ''examples of bargaining proposals [that] presumptively are not consistent with competitive marketplace considerations and the good faith negotiation requirement.'' Several years prior to that, DoJ brought its antitrust suit against the top broadcast stations in the Corpus Christi, Texas, market, which led to the settlement in the *Texas Television* decision. In 2010, the Commission, in its Quadrennial Review proceeding, raised questions about the impact of broadcast sharing agreements on retransmission consent negotiations. In 2011, the Commission issued the NPRM in this proceeding, which proposed to adopt a prohibition targeted specifically at joint negotiation of retransmission consent. Thus, for many years now, stations subject to the rule prohibiting joint negotiation have been on notice that coordinated negotiation of retransmission consent is of concern to the Commission, and that any related investments had the potential to be affected by rules addressing such conduct. More fundamentally, the provisions of section 325 signal Congress's express authorization for the

[42] *See MDU Order,* 73 FR 1080–01 (2008) (quoting *Connolly* v. *Pension Ben. Guaranty Corp.,* 475 U.S. 211, 224–25 (1986) (citations and internal quotation marks omitted)).

Commission to scrutinize marketplace conduct and adopt proscriptive rules to safeguard competition in the marketplace. Consistent with our finding in *MDU Order,* we conclude that stations subject to the rule do not have a legitimate investment-backed expectation in profits to be obtained from future anticompetitive behavior. We thus believe that any investment-backed expectations that same market, separately owned Top Four stations may have had are unreasonable and do not satisfy the second prong of the test above.

Finally, with respect to the character of governmental action, the rule we adopt in this *Order* substantially advances the legitimate government interests in preserving competition in local television markets and preventing supra-competitive increases in retransmission consent fees. The rule proscribing joint negotiation also advances Congress's statutory objective to ensure that any terms and conditions for retransmission consent are ''based on competitive marketplace considerations.'' As noted above, the rule is grounded in our assessment of the relative harms and benefits of agreements among Top Four stations in the same market that provide for joint negotiation and is carefully tailored to promote Congress's objectives in section 325.

IV. Procedural Matters

A. Regulatory Flexibility Act

Final Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''),[43] the Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated into the Notice of Proposed Rulemaking (''NPRM'') in this proceeding. The Federal Communications Commission (''Commission'') sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. This Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.[44]

1. Need for, and Objectives of, the Report and Order

In the Report and Order (''*Order*''), we revise our ''retransmission consent'' rules, which govern carriage negotiations between broadcast television stations and multichannel video programming distributors (''MVPDs''). In March 2010, 14 MVPDs and public interest groups filed a rulemaking petition arguing that changes in the marketplace, and the increasingly contentious nature of retransmission consent negotiations, justify revisions to the Commission's rules governing retransmission consent. The Commission initiated this proceeding and a robust record developed. The action we take in this *Order* will help to ensure the successful completion of negotiations between broadcast stations and MVPDs. Specifically, we address MVPDs' argument that competing broadcast television stations (''broadcast stations'' or ''stations'') obtain undue bargaining leverage by negotiating together when they are not commonly owned. In the *Order,* we conclude that such joint negotiation by stations that are ranked among the top four stations in a market as measured by audience share (''Top Four'' stations) and are not commonly owned constitutes a violation of the statutory duty to negotiate retransmission consent in good faith. It is our intention that this action will facilitate the fair and effective completion of retransmission consent negotiations.

2. Legal Basis

The action in this *Order* is authorized pursuant to sections 4(i), 4(j), 301, 303(r), 303(v), 307, 309, 325, and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303(r), 303(v), 307, 309, 325, and 534.

3. Summary of Significant Issues Raised in Response to the IRFA

While several parties filed comments describing the impact of the current retransmission consent rules on small businesses, and the potential impact of several proposed rules on small businesses, only the U.S. Small Business Administration Office of Advocacy (''SBA'') commented specifically with the RFA process in mind. Noting that part of its role is ''to monitor agency compliance with the RFA,'' the SBA filed comments describing the impact of the current rules on small MVPDs.[45] On balance, we believe that the rules adopted in this *Order* will encourage parties to reach agreements, thus benefiting small businesses including the small MVPDs on whose behalf SBA commented. SBA specifically urged the Commission to adopt proposals that the Commission concluded in the *NPRM* were beyond its authority to adopt, including interim carriage in the event of a retransmission consent impasse as well as a dispute resolution process. The *NPRM* sought comment on that conclusion but we note here that such proposals are beyond the scope of this *Order.* To the extent the Commission addresses these issues in the future, SBA's comments will be fully considered.[46]

Without mentioning the IRFA, a couple of parties commented on the impact of the specific rules adopted in this *Order* on small entities. For example, parties representing small MVPDs were generally in favor of a joint negotiation ban, arguing that joint negotiation enables broadcast stations to charge supra-competitive retransmission consent fees to MVPDs which, in turn, are passed along to consumers in the form of higher rates for MVPD services, and that joint negotiation heightens the disruption caused by negotiating breakdowns and depletes capital that MVPDs otherwise could use to deploy broadband and other advanced services. Parties representing broadcasters generally argued that the joint negotiation enhances efficiency and reduces transaction costs, thereby facilitating agreements and resulting in lower retransmission consent rates. These parties also contend that joint negotiation helps small broadcasters to reduce their operating costs and devote more resources to local programming; and that a prohibition on joint negotiation would arbitrarily inflict greater harm on some broadcasters based on spectrum allocation and market size.

4. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted in the *Order.*[47] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[48] In addition, the term

[43] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.,* has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Pub. L. 104–121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (''CWAAA'').

[44] *See* 5 U.S.C. 604.

[45] Comments of Office of Advocacy, U.S. Small Business Administration Comments at 2, 3–4 (''SBA Comments'').

[46] The final regulatory flexibility analysis must contain ''the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration, and a detailed statement if the SBA comment causes a change from the proposed rule to the final rule.'' 5 U.S.C. 604(a)(3). We emphasize that the SBA comments in this proceeding were silent on the proposals actually adopted. Should the Commission in the future address the issues on which SBA commented, it will fully consider SBA's position.

[47] 5 U.S.C. 603(b)(3).

[48] 5 U.S.C. 601(6).

''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[49] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[50] Below are descriptions of the small entities that are directly affected by the rules adopted in the *Order,* including, where feasible, an estimate of the number of such small entities.

Wired Telecommunications Carriers. The 2007 North American Industry Classification System (''NAICS'') defines ''Wired Telecommunications Carriers'' as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' [51] The SBA has developed a small business size standard for wireline firms within the broad economic census category, ''Wired Telecommunications Carriers.'' [52] Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year.[53] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[54] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

Cable Television Distribution Services. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined above. The SBA has developed a small business size standard for this category, which is: All such firms having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year.[55] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[56] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

Cable Companies and Systems. The Commission has also developed its own small business size standards, for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers, nationwide.[57] Industry data shows that there were 1,141 cable companies at the end of June 2012.[58] Of this total, all but 10 incumbent cable companies are small under this size standard.[59] In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers.[60] Industry data indicate that, of 7,208 systems nationwide, 6,139 systems have under 10,000 subscribers, and an additional 379 systems have 10,000–19,999 subscribers.[61] Thus, under this standard, most cable systems are small.

Cable System Operators (Telecom Act Standard). The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' [62] There are approximately 56.4 million incumbent cable video subscribers in the United States today.[63] Accordingly, an operator serving fewer than 564,000 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate.[64] Based on available data, we find that all but 10 incumbent cable operators are small under this size standard.[65] We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million.[66] Although it

[49] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[50] 15 U.S.C. 632.

[51] U.S. Census Bureau, 2007 NAICS Definitions, ''517110 Wired Telecommunications Carriers''; *http://www.census.gov/naics/2007/def/ND517110.HTM#N517110.*

[52] 13 CFR 121.201 (NAICS code 517110).

[53] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[54] *Id.*

[55] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[56] *Id.*

[57] 47 CFR 76.901(e). The Commission determined that this size standard equates approximately to a size standard of $100 million or less in annual revenues. *Implementation of Sections of the 1992 Cable Act: Rate Regulation,* Sixth Report and Order and Eleventh Order on Reconsideration, 60 FR 35854–01 (1995).

[58] NCTA, Industry Data, Number of Cable Operating Companies (June 2012), *http://www.ncta.com/Statistics.aspx* (visited Sept. 28, 2012). Depending upon the number of homes and the size of the geographic area served, cable operators use one or more cable systems to provide video service. *See Annual Assessment of the Status of Competition in the Market for Delivery of Video Programming,* MB Docket No. 12–203, Fifteenth Report, FCC 13–99 at—24 (rel. July 22, 2013) (''*15th Annual Competition Report*'').

[59] *See* SNL Kagan, ''Top Cable MSOs—12/12 Q''; available at *http://www.snl.com/InteractiveX/TopCableMSOs.aspx?period=2012Q4&sortcol=subscribersbasic&sortorder=desc.* We note that, when applied to an MVPD operator, under this size standard (*i.e.,* 400,000 or fewer subscribers) all but 14 MVPD operators would be considered small. *See* NCTA, Industry Data, Top 25 Multichannel Video Service Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013). The Commission applied this size standard to MVPD operators in its implementation of the CALM Act. *See Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act,* MB Docket No. 11–93, Report and Order, 77 FR 40276 (2012) (''*CALM Act Report and Order*'') (defining a smaller MVPD operator as one serving 400,000 or fewer subscribers nationwide, as of December 31, 2011).

[60] 47 CFR 76.901(c).

[61] Television and Cable Factbook 2006, at F–2 (Albert Warren ed., 2005) (data current as of Oct. 2005). The data do not include 718 systems for which classifying data were not available.

[62] 47 U.S.C. 543(m)(2); *see* 47 CFR 76.901(f) & nn. 1–3.

[63] *See* NCTA, Industry Data, Cable Video Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013).

[64] 47 CFR 76.901(f); *see* Public Notice, FCC Announces New Subscriber Count for the Definition of Small Cable Operator, DA 01–158 (Cable Services Bureau, Jan. 24, 2001).

[65] *See* NCTA, Industry Data, Top 25 Multichannel Video Service Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013).

[66] The Commission does receive such information on a case-by-case basis if a cable operator appeals

Continued

seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Direct Broadcast Satellite (''DBS'') Service. DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, ''Wired Telecommunications Carriers,'' [67] which was developed for small wireline firms. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[68] Census data for 2007 shows that there were 31,996 establishments that operated that year.[69] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[70] Therefore, under this size standard, the majority of such businesses can be considered small. However, the data we have available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' The definition of Cable and Other Program Distribution provided that a small entity is one with $12.5 million or less in annual receipts.[71] Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network. Each currently offer subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, we believe it is unlikely that a small entity as defined by the SBA would have the financial wherewithal to become a DBS service provider.

Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs). SMATV systems or PCOs are video distribution facilities that use closed transmission paths without using any public right-of-way. They acquire video programming and distribute it via terrestrial wiring in urban and suburban multiple dwelling units such as apartments and condominiums, and commercial multiple tenant units such as hotels and office buildings. SMATV systems or PCOs are now included in the SBA's broad economic census category, ''Wired Telecommunications Carriers,'' [72] which was developed for small wireline firms. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[73] Census data for 2007 shows that there were 31,996 establishments that operated that year.[74] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[75] Therefore, under this size standard, the majority of such businesses can be considered small.

Home Satellite Dish (''HSD'') Service. HSD or the large dish segment of the satellite industry is the original satellite-to-home service offered to consumers, and involves the home reception of signals transmitted by satellites operating generally in the C-band frequency. Unlike DBS, which uses small dishes, HSD antennas are between four and eight feet in diameter and can receive a wide range of unscrambled (free) programming and scrambled programming purchased from program packagers that are licensed to facilitate subscribers' receipt of video programming. Because HSD provides subscription services, HSD falls within the SBA-recognized definition of Wired Telecommunications Carriers.[76] The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year.[77] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[78] Therefore, under this size standard, the majority of such businesses can be considered small.

Broadband Radio Service and Educational Broadband Service. Broadband Radio Service systems, previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS) systems, and ''wireless cable,'' transmit video programming to subscribers and provide two-way high speed data operations using the microwave frequencies of the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) (previously referred to as the Instructional Television Fixed Service (ITFS)). In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years.[79] The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities.[80] After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of

a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to § 76.901(f) of the Commission's rules. *See* 47 CFR 76.901(f).

[67] *See* 13 CFR 121.201, NAICS code 517110 (2007). The 2007 NAICS definition of the category of ''Wired Telecommunications Carriers'' is in paragraph 7, above.

[68] 13 CFR 121.201, NAICS code 517110 (2007).

[69] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[70] *Id.*

[71] 13 CFR 121.201; NAICS code 517510 (2002).

[72] *See* 13 CFR 121.201, NAICS code 517110 (2007).

[73] 13 CFR 121.201, NAICS code 517110 (2007).

[74] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[75] *Id.*

[76] 13 CFR 121.201, NAICS code 517110 (2007).

[77] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[78] *Id.*

[79] 47 CFR 21.961(b)(1).

[80] 47 U.S.C. 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of section 309(j) of the Communications Act of 1934, 47 U.S.C. 309(j). For these pre-auction licenses, the applicable standard is SBA's small business size standard of 1500 or fewer employees.

bidding credits: (i) A bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) will receive a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) will receive a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) will receive a 35 percent discount on its winning bid.[81] Auction 86 concluded in 2009 with the sale of 61 licenses. Of the 10 winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based EBS. Since 2007, Cable Television Distribution Services have been defined within the broad economic census category of Wired Telecommunications Carriers; that category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' [82] The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year.[83] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[84] Therefore, under this size standard, the majority of such businesses can be considered small entities. In addition to Census data, the Commission's internal records indicate that, as of September 2012, there are 2,241 active EBS licenses.[85] The Commission estimates that of these 2,241 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.[86]

Fixed Microwave Services. Microwave services include common carrier,[87] private-operational fixed,[88] and broadcast auxiliary radio services.[89] They also include the Local Multipoint Distribution Service (LMDS),[90] the Digital Electronic Message Service (DEMS),[91] and the 24 GHz Service,[92] where licensees can choose between common carrier and non-common carrier status.[93] At present, there are approximately 31,428 common carrier fixed licensees and 79,732 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. There are approximately 120 LMDS licensees, three DEMS licensees, and three 24 GHz licensees. The Commission has not yet defined a small business with respect to microwave services. For purposes of the IRFA, we will use the SBA's definition applicable to Wireless Telecommunications Carriers (except satellite)—*i.e.,* an entity with no more than 1,500 persons.[94] Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees.[95] For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2007 show that there were 11,163 firms that operated that year.[96] Of those, 10,791 had fewer than 1000 employees, and 372 firms had 1000 employees or more. Thus under this category and the associated small business size standard, the majority of firms can be considered small. We note that the number of firms does not necessarily track the number of licensees. We estimate that virtually all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition.

Open Video Systems. The open video system (''OVS'') framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers.[97] The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services,[98] OVS falls within the SBA small business size standard covering cable services, which is ''Wired Telecommunications Carriers.'' [99] The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year.[100] Of this total, 30,178

[81] *Id.* at 8296.

[82] U.S. Census Bureau, 2007 NAICS Definitions, ''517110 Wired Telecommunications Carriers,'' (partial definition), *www.census.gov/naics/2007/def/ND517110.HTM#N517110.* Examples of this category are: broadband Internet service providers (*e.g.,* cable, DSL); local telephone carriers (wired); cable television distribution services; long-distance telephone carriers (wired); closed circuit television (''CCTV'') services; VoIP providers, using own operated wired telecommunications infrastructure; direct-to-home satellite system (''DTH'') services; telecommunications carriers (wired); satellite television distribution systems; and multichannel multipoint distribution services (''MMDS'').

[83] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[84] *Id.*

[85] *http://wireless2.fcc.gov/UlsApp/UlsSearch/results.jsp.*

[86] The term ''small entity'' within SBREFA applies to small organizations (non-profits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. 601(4)–(6).

[87] *See* 47 CFR Part 101, Subparts C and I.

[88] *See* 47 CFR Part 101, Subparts C and H.

[89] Auxiliary Microwave Service is governed by Part 74 of Title 47 of the Commission's Rules. *See* 47 CFR Part 74. Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

[90] *See* 47 CFR Part 101, Subpart L.

[91] *See* 47 CFR Part 101, Subpart G.

[92] *See id.*

[93] *See* 47 CFR 101.533, 101.1017.

[94] 13 CFR 121.201, NAICS code 517210.

[95] 13 CFR 121.201, NAICS code 517210 (2007 NAICS). The now-superseded, pre-2007 CFR citations were 13 CFR 121.201, NAICS codes 517211 and 517212 (referring to the 2002 NAICS).

[96] U.S. Census Bureau, 2007 Economic Census, Sector 51, 2007 NAICS code 517210 (rel. Oct. 20, 2009), *http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-fds_name=EC0700A1&-_skip=700&-ds_name=EC0751SSSZ5&-_lang=en.*

[97] 47 U.S.C. 571(a)(3)–(4). *See 13th Annual Report,* 24 FCC Rcd at 606,—135.

[98] *See* 47 U.S.C. 573.

[99] U.S. Census Bureau, 2007 NAICS Definitions, ''517110 Wired Telecommunications Carriers''; *http://www.census.gov/naics/2007/def/ND517110.HTM#N517110.*

[100] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code

Continued

establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[101] Therefore, under this size standard, the majority of such businesses can be considered small. In addition, we note that the Commission has certified some OVS operators, with some now providing service.[102] Broadband service providers (''BSPs'') are currently the only significant holders of OVS certifications or local OVS franchises. The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, at least some of the OVS operators may qualify as small entities.

Cable and Other Subscription Programming. The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. . . . These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers.'' [103] The SBA has developed a small business size standard for this category, which is: all such businesses having $35.5 million dollars or less in annual revenues.[104] Census data for 2007 show that there were 659 establishments that operated that year.[105] Of that number, 462 operated with annual revenues of less than $10 million and 197 operated with annual revenues of between $10 million and $100 million or more.[106] Thus, under this size standard, the majority of such businesses can be considered small entities.

Small Incumbent Local Exchange Carriers. We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' [107] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope.[108] We have therefore included small incumbent local exchange carriers in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

Incumbent Local Exchange Carriers (''ILECs''). Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[109] Census data for 2007 shows that there were 31,996 establishments that operated that year.[110] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[111] Therefore, under this size standard, the majority of such businesses can be considered small entities.

Competitive Local Exchange Carriers, Competitive Access Providers (CAPs), ''Shared-Tenant Service Providers,'' and ''Other Local Service Providers.'' Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[112] Census data for 2007 shows that there were 31,996 establishments that operated that year.[113] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[114] Therefore, under this size standard, the majority of such businesses can be considered small entities.

Television Broadcasting. The SBA defines a television broadcasting station as a small business if such station has no more than $35.5 million in annual receipts.[115] Business concerns included in this industry are those ''primarily engaged in broadcasting images together with sound.'' [116] The 2007 U.S. Census indicates that 2,076 television stations operated in that year. Of that number, 1,515 had annual receipts of $10,000,000 dollars or less, and 561 had annual receipts of more than $10,000,000. Since the Census has no additional classifications on the basis of which to identify the number of stations whose receipts exceeded $35.5 million in that year, the Commission concludes that the majority of television stations were small under the applicable SBA size standard.

Apart from the U.S. Census, the Commission has estimated the number of licensed commercial television stations to be 1,388.[117] In addition, according to Commission staff review of the BIA Advisory Services, LLC's *Media Access Pro Television* Database, as of March 28, 2012, about 950 of an

517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[101] *Id.*

[102] A list of OVS certifications may be found at *http://www.fcc.gov/mb/ovs/csovscer.html.*

[103] U.S. Census Bureau, 2007 NAICS Definitions, ''515210 Cable and Other Subscription Programming''; *http://www.census.gov/naics/2007/def/ND515210.HTM#N515210.*

[104] 13 CFR 121.210; 2012 NAICS code 515210.

[105] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[106] *Id.*

[107] 15 U.S.C. 632.

[108] Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of ''small-business concern,'' which the RFA incorporates into its own definition of ''small business.'' *See* 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret ''small business concern'' to include the concept of dominance on a national basis. *See* 13 CFR 121.102(b).

[109] 13 CFR 121.201 (2007 NAICS code 517110).

[110] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[111] *Id.*

[112] 13 CFR 121.201 (2007 NAICS code 517110).

[113] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[114] *Id.*

[115] *See* 13 CFR 121.201, 2012 NAICS code 515120.

[116] *Id.* This category description continues, ''These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studios, from an affiliated network, or from external sources.'' Separate census categories pertain to businesses primarily engaged in producing programming. *See* Motion Picture and Video Production, NAICS code 512110; Motion Picture and Video Distribution, NAICS Code 512120; Teleproduction and Other Post-Production Services, NAICS Code 512191; and Other Motion Picture and Video Industries, NAICS Code 512199.

[117] *See Broadcast Station Totals as of December 31, 2013,* Press Release (MB rel. Jan. 8, 2014) (''*Jan. 8, 2014 Broadcast Station Totals Press Release*''), *https://www.fcc.gov/document/broadcast-station-totals-december-31-2013.*

estimated 1,300 commercial television stations (or approximately 73 percent) had revenues of $14 million or less.[118] We therefore estimate that the majority of commercial television broadcasters are small entities.

We note, however, that, in assessing whether a business concern qualifies as small under the above definition, business (control) affiliations [119] must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply do not exclude any television station from the definition of a small business on this basis and are therefore over-inclusive to that extent.

In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 396.[120] These stations are non-profit, and therefore considered to be small entities.[121]

5. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

Reporting Requirements. The *Order* does not adopt reporting requirements.

Recordkeeping Requirements. The *Order* does not adopt recordkeeping requirements.

Compliance Requirements. Under the joint negotiation ban, a Top Four station will be prohibited from negotiating jointly with another Top Four station that is not commonly owned and that serves the same market.

6. Steps Taken To Minimize Economic Impact on Small Entities and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[122] The IRFA invited comment on issues that had the potential to have a significant impact on some small entities.[123]

In the *NPRM,* we sought comment on any potential alternatives we should consider to our proposals that would minimize any adverse impact on small entities while maintaining the benefits of our proposals.[124] Our goal in the *Order* is for the joint negotiation ban to facilitate the fair and effective completion of retransmission consent negotiations. The joint negotiation rules will serve the public interest by promoting competition among Top Four broadcast stations for MVPD carriage of their signals and the associated retransmission consent revenues.

As required by the Regulatory Flexibility Act, we have considered alternatives to minimize the impact on small entities.[125] Some parties opposing a joint negotiation prohibition argued it would decrease efficiency and increase transaction costs, because non-commonly owned broadcast stations in the same market must conduct negotiations separately. We note that since small MVPDs supported adoption of this ban, no further analysis of alternatives on their behalf is necessary. With respect to small broadcasters, we have sought to limit the economic impact on such entities by applying the prohibition on joint negotiation only to situations involving two or more separately owned Top Four stations in the same market.

7. Report to Congress

The Commission will send a copy of the *Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[126] In addition, the Commission will send a copy of the *Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA. The *Order* and FRFA (or summaries thereof) will also be published in the **Federal Register**.[127]

B. Paperwork Reduction Act

This document does not contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified 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).

C. Congressional Review Act

The Commission will send a copy of the *Order* in MB Docket No. 10–71 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

D. Additional Information

For additional information on this proceeding, contact Raelynn Remy, *Raelynn.Remy@fcc.gov,* Diana Sokolow, *Diana.Sokolow@fcc.gov,* or Kathy Berthot, *Kathy.Berthot@fcc.gov,* of the Policy Division, Media Bureau, (202) 418–2120.

V. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority found in sections 4(i), 4(j), 301, 303(r), 303(v), 307, 309, 325, 339(b), 340, 614, and 653(b) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303(r), 303(v), 307, 309, 325, 339(b), 340, 534, and 573(b), this *Report and Order is adopted,* effective thirty (30) days after the date of publication in the **Federal Register**.

It is ordered that, pursuant to the authority found in sections 4(i), 4(j), 301, 303(r), 303(v), 307, 309, 325, and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303(r), 303(v), 307, 309, 325, and 534, the Commission's rules *are hereby amended* as set forth below.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order* in MB Docket No. 10–71, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

It is further ordered that the Commission *shall send* a copy of this *Report and Order* in MB Docket No. 10–71 in a report to be sent to Congress and the Government Accountability Office

[118] We recognize that this total differs slightly from that contained in *Jan. 8, 2014 Broadcast Station Totals Press Release;* however, we are using BIA's estimate for purposes of this revenue comparison.

[119] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has to power to control both.'' 13 CFR 121.103(a)(1).

[120] See Jan. 8, 2014 Broadcast Station Totals Press Release.

[121] *See generally* 5 U.S.C. 601(4), (6).

[122] 5 U.S.C. 603(a)(6).

[123] *IRFA,* 26 FCC Rcd at 2762,—27.

[124] *Id.* We received no proposed alternatives for small business pertaining to the changes adopted in the *Order.*

[125] 5 U.S.C. 603(a)(6).

[126] *See* 5 U.S.C. 801(a)(1)(A).

[127] *See id.* § 604(b).

pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Amend § 76.65 as follows:

■ a. Remove the word ''and'' from the end of paragraph (b)(1)(vi);

■ b. Remove the period and add ''; and'' to the end of paragraph (b)(1)(vii).

■ c. Add paragraph (b)(1)(viii).

The addition reads as follows:

§ 76.65 Good faith and exclusive retransmission consent complaints.

* * * * *

(b) * * *

(1) * * *

(viii) *Joint negotiation.* (A) Joint negotiation includes the following activities:

(*1*) Delegation of authority to negotiate or approve a retransmission consent agreement by one Top Four broadcast television station (or its representative) to another such station (or its representative) that is not commonly owned, operated, or controlled, and that serves the same designated market area (''DMA'');

(*2*) Delegation of authority to negotiate or approve a retransmission consent agreement by two or more Top Four broadcast television stations that are not commonly owned, operated, or controlled, and that serve the same DMA (or their representatives), to a common third party;

(*3*) Any informal, formal, tacit or other agreement and/or conduct that signals or is designed to facilitate collusion regarding retransmission terms or agreements between or among Top Four broadcast television stations that are not commonly owned, operated, or controlled, and that serve the same DMA. This provision shall not be interpreted to apply to disclosures otherwise required by law or authorized under a Commission or judicial protective order.

(B) For the purpose of applying this paragraph (b)(1)(viii):

(*1*) Whether a station is not commonly owned, operated, or controlled is determined based on the Commission's broadcast attribution rules. *See* the Notes to 47 CFR 73.3555.

(*2*) A station is deemed to be a Top Four station if it is ranked among the top four stations in a DMA, based on the most recent all-day (9 a.m.–midnight) audience share, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service; and

(*3*) DMA is determined by Nielsen Media Research or any successor entity.

* * * * *

[FR Doc. 2014–11058 Filed 5–16–14; 8:45 am]

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Proposed Rules

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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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG49

Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) proposes to increase employee based size standards for 46 industries in North American Industry Classification System (NAICS) Sector 42, Wholesale Trade, and one industry in NAICS Sector 44–45, Retail Trade and retain the current size standards in the remaining industries in those sectors. SBA also proposes to retain the current 500-employee size standard for Federal procurement of supplies under the nonmanufacturer rule. As part of its ongoing comprehensive size standards review, SBA reviewed all 71 industries in NAICS Sector 42 as well as the two industries in NAICS Sector 44–45 that have employee based size standards. The proposed revisions, if adopted, will primarily affect eligibility for SBA's financial assistance programs. This proposed rule is one of a series of proposed rules that will review size standards of industries grouped by NAICS Sector.

DATES: SBA must receive comments to this proposed rule on or before July 18, 2014.

ADDRESSES: You may submit comments identified by RIN 3245–AG49 by one of the following methods: (1) Federal eRulemaking Portal: *www.regulations.gov,* following the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW., Mail Code 6530, Washington, DC 20416. SBA will not accept comments to this proposed rule submitted by email except for confidential information.

SBA will post all comments to this proposed rule on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* you must submit this information to U.S. Small Business Administration, Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW., Mail Code 6530, Washington, DC 20416, or send an email to *sizestandards@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review this information and determine whether it will make the information public.

FOR FURTHER INFORMATION CONTACT: Khem R. Sharma, Ph.D., Chief, Office of Size Standards by phone at (202) 205–6618 or by email at *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION:

Background

In an effort to remove possible public confusion, SBA would like to explain the changes made to the title of this rule. When SBA initially announced in the Fall 2012 Unified Agenda of Federal Regulatory and Deregulatory Actions, 78 FR 1636 at 1639 (January 8, 2013) (Item #391) that it intended to propose this rule, it was titled ''Small Business Size Standards for Wholesale Trade'' under Regulatory Information Number (RIN) 3245–AG49. SBA later realized that this rule also addresses two industries with employee based size standards in Retail Trade. As a result, the title of this proposed rule is changed to read ''Small Business Size Standards: Employee Based Size Standards in Wholesale Trade and Retail Trade.'' SBA believes that this title change of the rule will make it easier for affected parties to understand the scope of its coverage and will engender more public comment and involvement.

To determine eligibility for Federal small business assistance programs, SBA establishes small business size definitions (referred to as size standards) for private sector industries in the United States. SBA's existing size standards use two primary measures of business size—average annual receipts and number of employees. SBA also has used financial assets, electric output, and refining capacity to measure the size in a few specialized industries. In addition, SBA's Small Business Investment Company, Certified Development Company (CDC/504), and 7(a) Loan Programs use either the industry based size standards or tangible net worth and net income based alternative size standard to determine eligibility for these programs. The new alternative size standard, which was established under the Small Business Jobs Act of 2010 (Jobs Act), is tangible net worth of not more than $15 million and average net income after Federal income taxes (excluding any carry-over losses) for the two latest fiscal years of not more than $5 million.

At the start of the current comprehensive size standards review when the size standards were based on NAICS 2007, there were 41 different size levels, covering 1,141 NAICS industries and 18 subindustry activities (*i.e.,* ''exceptions'' in SBA's table of size standards). Of these, 31 were based on average annual receipts, seven based on number of employees, and three based on other measures. Presently, under NAICS 2012, there are 28 different size standards covering 1,031 industries and 16 ''exceptions''. Of these, 533 are based on average annual receipts, 509 on number of employees (one of which also contains barrels per day total capacity), and five on average assets.

SBA has received comments periodically that its size standards have not kept up with changes in the economy and in the Federal contracting marketplace. The last time SBA conducted a comprehensive review of its size standards involving actual public involvement in the rulemaking process was from 1980 to 1984. After a series of **Federal Register** notices from 1980 to 1983, SBA adopted a detailed list of size standards based on individual industry codes. Since then, SBA's revisions to size standards have focused on inflationary adjustments to its monetary based size standards. SBA's latest inflationary adjustment to size standards was published in the **Federal Register** on July 18, 2008 (73 FR 41237). Besides inflation adjustment, SBA's reviews of size standards since the last comprehensive review have been limited to a few specific industries in response to public request.

When SBA established its size standard framework in 1984, it focused

on having a common size standard for both its financial and Federal procurement programs. However, SBA made an exception for the Wholesale Trade industries and established the 100-employee size standard for SBA's financial programs and the 500-employee size standard for Federal procurement programs under the nonmanufacturer rule. The nonmanufacturer rule has been periodically updated and is presently codified in SBA's small business size regulations at 13 CFR 121.406. The nonmanufacturer rule also applies to Federal procurement for the industries within Retail Trade (NAICS Sector 44–45). On a Federal procurement opportunity reserved for small business concerns to provide supplies or goods, the 500-employee size standard under the nonmanufacturer rule permits a firm that did not manufacture or produce those goods to qualify as small if it is at or below 500 employees and supplies the end item of a small domestic manufacturer. In effect, the nonmanufacturer rule has resulted in two sets of size standards for financial and Federal procurement programs for firms in industries in NAICS Sectors 42 and 44–45. In this proposed rule, SBA provides separate analyses of size standards for financial programs and the 500-employee nonmanufacturer size standard for Federal procurement programs.

Because of changes in the Federal marketplace and industry structure since the last comprehensive size standards review, SBA recognized that the latest available data might no longer support some of its existing size standards. Thus, in 2007, SBA began a comprehensive size standards review to determine if they were consistent with the latest data and to adjust them where necessary. Subsequently, the President of the United States signed the Small Business Jobs Act of 2010 (Jobs Act). The Jobs Act directs SBA to conduct a detailed review of all its size standards and to make appropriate adjustments to reflect market conditions (Sec.1344, Pub. L. 111–240, 124 Stat 2545). Specifically, the Jobs Act requires SBA to conduct a detailed review of at least one-third of all size standards during every 18-month period from the date of its enactment (September 27, 2010). In addition, the Jobs Act requires that SBA review all size standards not less than once every five years thereafter. Reviewing existing size standards periodically and making appropriate adjustments based on the latest available data are also consistent with Executive Order 13563, which calls for periodic retrospective analyses of existing rules.

Rather than review all size standards at one time, SBA is reviewing them on a sector by sector basis. Most NAICS sectors consist of 25 to 75 industries, except for Manufacturing (NAICS Sector 31–33) which has more than 350 industries. Once SBA completes its review of size standards for industries in an NAICS sector, it issues for comments a proposed rule to revise some or all of the size standards it reviewed in the rule. The proposed rule provides the public with opportunity to comment on SBA's proposed size standards revisions. SBA also invites comments on size standards that the Agency had proposed to keep them at their current levels, if the public believes they should be revised as well.

Below is a discussion of the size standard methodology for establishing employee based size standards that SBA applied to this proposed rule. It focuses primarily on industry structure but also includes federal procurement considerations, the impact on SBA's loan programs, and whether the revised small business size standards (if adopted as proposed) would exclude dominant firms from being considered small.

Size Standards Methodology

SBA has developed and refined over time its ''Size Standard Methodology'' (methodology) for establishing, reviewing and revising, when necessary, its small business size standards. In conjunction with the current comprehensive size standards review, SBA has published a document explaining this methodology in detail on its Web site at *www.sba.gov/size* for public review and comment and has included it as a supporting document in the electronic docket of this proposed rule at *www.regulations.gov.* SBA does not apply all features of its methodology to all industries, however, because not all features are appropriate. For example, since all industries in NAICS Sector 42 and two industries in NAICS Sector 44–45 covered by this rule have employee based size standards, the methodology relating to receipts based size standards does not apply to this rule.

SBA welcomes comments from the public on various issues concerning its methodology. These include, but are not limited to, whether there are better approaches to establishing a size standard; whether there are additional factors that SBA should consider; whether SBA's approach to its size standards makes sense in the current economic climate; whether there are gaps in SBA's methodology because the data it uses are not sufficiently current or comprehensive, and whether there are other data, facts, and/or issues that SBA should consider. Comments on SBA's methodology should be submitted either via (1) the Federal Rulemaking Portal: *www.regulations.gov,* using docket number SBA–2009–0008, and following the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier to Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW., Mail Code 6530, Washington, DC 20416. As with comments received to proposed rules, SBA will post all proposed rules on its methodology on *www.regulations.gov.* As of April 30, 2014, SBA had received 17 comments to its methodology. The comments are available to the public at *www.regulations.gov.* SBA continues to welcome comments on its methodology from interested parties. SBA, however, will not accept comments submitted by email.

Congress granted SBA's Administrator the discretion to establish detailed small business size standards in 15 U.S.C. 632(a)(2). Specifically 3(a)(3) of the Small Business Act states that ''. . . the [SBA] Administrator shall ensure that the size standard varies from industry to industry to reflect the differing characteristics of the various industries and consider other factors deemed to be relevant by the Administrator.'' 15 U.S.C. 632(a)(3). Accordingly, the economic structure of an industry is the basis for developing and modifying small business size standards. SBA identifies the small business segment of an industry by examining data on the economic characteristics relating to its industry structure, as described below. In addition, SBA considers other factors, including current economic conditions, its mission and program objectives, the Administration's current policies and priorities, suggestions from industry groups and Federal agencies, and public comments to proposed rules.

This proposed rule includes information regarding the factors SBA evaluated and the criteria it used to propose revisions to a number of size standards in NAICS Sectors 42 and 44–45. The rule also explains why SBA has proposed to revise some size standards, but not others. This proposed rule affords the public an opportunity to review and comment on SBA's proposal to revise certain size standards in NAICS Sectors 42 and 44–45, as well as the data and methodology the Agency used to evaluate and propose revisions to size standards in those sectors. SBA also invites comments on those

industries for which it proposes to retain their size standards at the current levels.

Industry Analysis

For the current comprehensive size standards review, SBA has established three base or anchor size standards as follows: $7.0 million in average annual receipts for industries that have receipts based size standards, 500 employees for manufacturing and other industries that have employee based size standards (except for Wholesale Trade and Retail Trade), and 100 employees for industries in the Wholesale Trade sector for SBA's financial and all programs other than federal procurement. SBA generally compares the characteristics of industries with the base or anchor size standard to other industries to determine whether they should have a higher or in some cases a lower size standard than the anchor.

Since currently all industries in Wholesale Trade share the 100-employee size standard for SBA's financial programs and the 500-employee size standard for Federal procurement programs under the nonmanufacturer rule, the 'anchor' size standard approach is difficult to apply. In its ''Size Standards Methodology'' White Paper, SBA created an implicit anchor group for the Wholesale Trade sector by grouping the middle half of the Wholesale Trade industries arranged in increasing order of average firm size. Based on its own review, SBA now believes that a quintile approach is more appropriate than the anchor approach in reviewing size standards in Wholesale Trade. In the quintile approach, to be detailed below, SBA measures and ranks every industry using the four industry factors, giving equal weight to each of them. The four industry factors are average firm size, average assets size as proxy for startup costs and entry barriers, industry concentration, and distribution of firms by size. Since NAICS codes in the Wholesale Trade sector do not apply to Federal contracting, the Federal contracting factor is not considered in reviewing industry based size standards.

As stated above, since 1986, the size standard for all industries in the Wholesale Trade sector has been 100 employees for SBA's financial assistance and for most Federal programs. However, the 100-employee size standard does not apply to Federal procurement programs. Rather, for Federal procurement, the size standard for all industries in Wholesale Trade (NAICS Sector 42) and for all industries in Retail Trade (NAICS Sector 44–45) is 500 employees under the SBA's nonmanufacturer rule. SBA's regulations also specify that NAICS codes for the Wholesale and Retail Trade industries shall not be used to classify Government acquisition for supplies. See 13 CFR 121.402(b). Instead, the applicable manufacturing code shall be used to classify acquisitions for supplies. A Wholesale Trade or Retail Trade business concern submitting an offer on a supply acquisition is categorized as a nonmanufacturer and deemed small if it has 500 or fewer employees and meets the requirements of 13 CFR 121.406(b).

The long-standing anchor size standards have stood the test of time and gained legitimacy through practice and general public acceptability. The anchors have been the basis for analyzing the industrial structure of industries, and for proposing and justifying revisions to size standards under the current comprehensive size standards review. However, as stated earlier, the anchor approach is difficult to implement in reviewing the size standards of industries in Wholesale Trade (NAICS Sector 42) because all industries in the sector share the same 100-emplpoyee size standard for SBA's financial programs and 500-employe size standard for the Federal procurement programs. In other words, there is no subset of industries within the sector with a distinct common size standard that in some sense could be considered the base or the anchor and be used as the basis for evaluating structure of other industries and revising their size standards. Thus, in this rule, SBA is using a quintile approach in which industries are ranked and compared using each industry factor based on where the factor of that industry falls within the five ranked quintiles (*i.e.,* less than the 20th percentile, the 20th to less than the 40th percentile, the 40th to less than the 60th percentile, the 60th to less than the 80th percentile, and the 80th or higher percentile) to produce an implied size standard for each factor for each industry. The implied size standards for each factor are then averaged to produce a calculated industry specific size standard. The five implied size standard levels are 50 employees, 100 employees, 150 employees, 200 employees, and 250 employees. If the value of an industry factor falls in the first quintile (*i.e.,* less than the 20th percentile), that factor would support a size standard of 50 employees. If the value falls in the second quintile (*i.e.,* the 20th to less than the 40th percentile), it would support 100 employees. Similarly, if the value falls in the fifth quintile (*i.e.,* the 80th or higher percentile), the factor would support 250 employees.

SBA evaluates the four industry factors (*viz.,* average firm size, average assets as proxy for startup costs and entry barriers, industry competition, and the distribution of firms by size). In addition, SBA evaluates a fifth factor, namely small business participation in Federal procurement programs under the current size standards. These are generally the five most important factors SBA examines when establishing or revising a size standard for an industry. In addition, SBA also considers and evaluates small business participation in SBA's financial programs, as well as other information that it believes is relevant to a particular industry, such as technological changes, growth trends, current economic conditions, and other program factors including present Administration policies and priorities. Below are brief descriptions of each of the five primary factors that SBA analyzed for evaluating, and revising where necessary, size standards for all industries in NAICS Sector 42 and two industries in NAICS Sector 44–45 that are reviewed in this proposed rule.

1. *Average firm size.* SBA computes two measures of average firm size: Simple average and weighted average. For industries with employee based size standards, the simple average is the total number of employees in the industry divided by the total number of firms in the industry. The weighted average firm size is the sum of weighted simple averages in different employee size classes, where weights are the shares of total industry employees in their respective size classes. The simple average weighs all firms equally within an industry regardless of size. The weighted average overcomes that limitation by giving more weight to larger firms. The size standards obtained from simple average and weighted average firm size are averaged to obtain a single size standard supported by the average firm size.

If an industry's average firm size is significantly higher than most other industries in the sector, this will support a higher size standard. Conversely, if the industry's firm size is appreciably lower than most other industries, a lower size standard will be justified.

2. Startup costs and entry barriers. Startup costs affect a firm's initial size in an industry and its capacity to grow to a competitive size. New entrants to an industry must have sufficient capital and other assets to start and maintain a viable business. If new firms entering an industry under review have greater or lesser capital requirements than new

firms in other industries in the same sector, this can suggest a higher or lower size standard for the industry. Since startup costs and data on entry barriers are difficult to obtain, SBA uses average assets as a proxy to measure the capital requirements for new entrants into an industry. To calculate average assets, SBA uses a ratio of sales/receipts to total assets for an industry from the Risk Management Association's Annual eStatement Studies. SBA then applies this ratio to the average receipts per firm in the industry to calculate the average assets per firm in the industry. Calculated average assets per firm provide an estimate of entry barriers, with the larger the asset level per firm the greater the difficulty to enter into and be successful in an industry, warranting a higher size standard.

3. Industry competition. Industry competition is generally measured by the share of total industry receipts associated with the largest firms in an industry. While different measures can be used (and generally produce similar rankings), SBA evaluates the share of industry receipts of the four largest firms in the industry. This is referred to as the ''four-firm concentration ratio,'' a commonly used economic measure of industry concentration. If a higher share is concentrated among the largest four firms in the reviewed industry, this can suggest a higher size standard based on this factor. However, SBA does not consider this factor important to its assessment if the four-firm concentration ratio for the industry under review is less than 40 percent. If an industry's four-firm concentration ratio is 40 percent or more, SBA then examines the average size (*i.e.,* average number of employees for employee based size standards and average receipts for receipts based size standards) of the four largest firms for that industry and compares this figure with other industries.

4. Distribution of firms by size. SBA examines the share of industry receipts generated by firms of different employment size categories in an industry with an employee based size standard and receipts size categories for a receipts based size standard. This is another component of industry competition within an industry, and it complements the four-firm concentration ratio, which also measures industry competition. If most of an industry's economic activity is attributable to smaller firms, this generally indicates that small businesses are competitive in the industry. This is generally interpreted as supporting a relatively low size standard. Conversely, if most of an industry's economic activity is generated by larger firms, this indicates that small businesses are not particularly competitive in that industry and can support a relatively high size standard.

Concentration is a measure of inequality of distribution of economic activity. To determine the degree of inequality of distribution in an industry, SBA computes the Gini coefficient. For this, SBA first constructs the Lorenz curve for each industry using available data. The Lorenz curve portrays the cumulative percentages of firms along the horizontal axis, and the cumulative percentage of receipts along the vertical axis. (For further detail, see SBA's ''Size Standards Methodology'' on its Web site at *www.sba.gov/size.*) The Gini coefficient values vary from zero to one. If an industry's total receipts are attributed to a single firm, the Gini coefficient would equal one. Conversely, if every firm received the exact same amount of revenues the Gini coefficient would approach zero.

In this rule, SBA compares the Gini coefficient value for an industry with that for other industries in NAICS Sector 42, Wholesale Trade. If the Gini coefficient value for an industry is higher than most industries in the sector, this suggests a relatively high size standard. Conversely, if an industry's Gini coefficient is lower than most industries, a relatively low size standard would be justified.

5. Impact on Federal contracting and SBA loan programs. SBA examines the impact a size standard change may have on Federal small business assistance. This examination most often focuses on the share of Federal contracting dollars awarded to small businesses in the industry under the current size standard. Differences between small business shares of Federal contracting dollars and small business shares of industry total receipts can support a size standard different from the current size standard. In general, if the small business share of Federal contracting dollars is appreciably less than the small business share of the industry's total receipts, there is justification for considering a size standard higher than the current size standard. However, SBA cannot measure differences between small business share of Federal contracts and corresponding share of industry receipts by industry for the Wholesale and Retail Trade industries. As described previously, SBA's small business size regulations state that federal agencies shall not use Wholesale or Retail Trade NAICS codes to classify Federal Government's acquisitions for supplies. Instead, procuring agencies must use the applicable manufacturing NAICS code that is most closely associated with the purchase. See 13 CFR 121.402(b). A Wholesale Trade or Retail Trade business concern submitting an offer on a supply acquisition is categorized as a nonmanufacturer and deemed small if it has 500 or fewer employees, and meets the other requirements of the nonmanufacturer rule (13 CFR 121.406(b), *q.v*). This effectively precludes the gathering of Federal procurement statistics by industry in Wholesale and Retail Trade sectors. As a result, Federal procurement patterns cannot be used to evaluate the effect of the size standard on Federal procurements by NAICS code in these sectors, because the data on Wholesale and Retail trade nonmanufacturers are not gathered.

Besides the impact of a proposed or revised size standard on small business Federal contracting, SBA evaluates the impact on SBA's loan programs. For this, SBA examines the data on volume and number of 7(a) and 504 loans within an industry and the size of firms obtaining those loans. This allows SBA to assess whether the existing, proposed, or revised size standard for a particular industry would restrict the level of financial assistance to small firms. If existing size standards are found to have impeded financial assistance to small businesses, higher size standards may be justified. However, if small businesses under existing size standards have been receiving significant amounts of financial assistance through SBA's loan programs, or if the financial assistance has been provided mainly to businesses that are much smaller than the existing size standards, SBA does not consider this factor when determining the size standard.

Sources of Industry and Program Data

SBA's primary source of industry data used in this proposed rule is a special tabulation of the 2007 Economic Census (see *www.census.gov/econ/census07/*) as prepared by the U.S. Bureau of the Census (Census Bureau) for SBA. The 2007 Economic Census data are the latest available. This special tabulation provides SBA with data on the number of firms, number of establishments, number of employees, total annual payroll, and annual receipts of companies by sector (2-digit level), subsector (3-digit level), industry group (4-digit level), and industry (6-digit level). These data are arrayed by various classes of firm size based on the overall numbers of employees (receipts in a separate tabulation) of the entire enterprise including all establishments

and affiliated firms regardless of industry. This special tabulation enables SBA to evaluate industries by average firm size, the four-firm concentration ratio, and the size distribution of firms by various receipts and employment size classes. Since wholesale industries use employee size standards (500 employees for the nonmanufacturer procurement based size standards, and 100 employees for the loan based size standards), the data that are arrayed by employee size of firms are reviewed in this rule to estimate industry structure and the impact of size standard revisions on the eligibility of firms for SBA's financial assistance programs.

In some cases, where data were not available at the 6-digit industry level due to disclosure prohibitions in the Census Bureau's tabulation, SBA either estimates missing values using available relevant data or examines data at a higher level of industry aggregation, such as at the NAICS 2-digit (sector), 3-digit (subsector), or 4-digit (industry group) level. In some instances, where the data could not be obtained or estimated, SBA's analysis is based only on those factors for which data are available or estimates of missing values are possible.

To calculate average assets (*i.e.,* proxy of startup costs and entry barriers), SBA used sales to total assets ratios from the Risk Management Association's Annual eStatement studies (*www.statementstudies.org*) from 2009 to 2011 and applied these ratios to sales data from the 2007 Economic Census.

To assess the impact on financial assistance to small businesses, SBA examined its internal data on the 7(a) and 504 loan programs for fiscal years 2010–2012.

Data sources and estimation procedures SBA uses in its size standards analysis are documented in detail in SBA's ''Size Standards Methodology'' White Paper, which is available at *www.sba.gov/size*.

Dominance in Field of Operation

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) defines a small business concern as ''one which is independently owned and operated and which is not dominant in its field of operation.'' SBA considers as part of its evaluation whether a business concern at or below a proposed or revised size standard would be considered dominant within the industry description covered by the proposed size standard. A key component of this analysis is the market share of firms at the proposed or revised size standard. SBA also examines distribution of firms by size to ensure that a contemplated size standard derived from its size standards analysis excludes the largest firms within an industry. Market share, size distribution and other factors may indicate whether a firm can exercise a major controlling influence on a national basis in which a significant number of business concerns are engaged. If a contemplated size standard includes dominant or largest firms in an industry, SBA will consider a lower size standard than the one suggested by the analytical results to exclude the dominant and largest firms from being defined as small.

Selection of Size Standards

Presently all industries in the Wholesale Trade sector have a common 100-employee size standard for SBA's loan programs. However, in this proposed rule, SBA proposes to vary size standards in that sector based on industry structure as required by the Small Business Act. For this, individual industries were ranked and placed within one of the five quintile groups for each industry factor, and one of the five size standard levels were assigned to correspond to each of the five quintile groups. These five levels are: 50 employees, 100 employees, 150 employees, 200 employees, and 250 employees. Besides being bases to vary size standards to reflect differences among the industries in the Wholesale Trade sector, these levels also include the current size standards for NAICS 441110, New Car Dealers (200 employees) and NAICS 454310, Fuel Dealers (50 employees), which are also reviewed in this proposed rule. The evaluation of the data on SBA's 7(a) and 504 loan programs, since the adoption of the new alternative size standard, explained above, shows some wholesalers with 100 to 250 employees receiving these loans. The proposed levels would enable those firms to maintain their eligibility for SBA's 7(a) and 504 loan programs should the Agency decide to lower or discontinue the alternative size standard.

SBA assigns one of the above five size standard levels for each industry according to its ranking based on each industry factor. For example, if an industry's ranking for an industry factor falls within the first or lowest quintile, SBA will apply 50 employees as the size standard for that industry for that factor. Likewise, if an industry's ranking for a factor falls within the fifth or highest quintile, the 250-employee level will be assigned. SBA repeats this procedure for each industry factor.

Evaluation of Industry Structure

SBA determines differences in industry structure by comparing data on each of the four industry factors: Average firm size, average assets size (as proxy of startup costs and entry barriers), industry competition, and distribution of firms by size.

SBA uses two measures of average firm size: The simple average and weighted average. Average firm size (whether simple average or weighted average) is likely to be positively related to minimum efficient firm size. This refers to the level of output at which firms in an industry are able to minimize their costs of production and remain competitive. In general, industries with high minimum efficient size tend to be dominated by larger firms and thus their average firm size tends to be large, thereby warranting a relatively higher size standard for those industries. The size standards derived from the two average firm size measures are then averaged to obtain a single size standard for average firm size.

Startup costs reflect the amount of capital requirements new firms must have to enter an industry and become competitive with existing firms. Relatively high average assets per firm in an industry would suggest high startup costs and a relatively high size standard; while relatively low assets per firm would suggest lower startup costs and a relatively low size standard. Given the lack of data on actual startup costs and other measures of entry barriers (such as degree of product differentiation, advertising expenses, economies of scale, *etc.*), as explained elsewhere in the rule, SBA uses average assets size as proxy for the levels of capital needs for a new firm entering an industry.

The third factor SBA evaluates is industry competition. A common method of analyzing industry competition is the measurement of the concentration of market power of the largest firms within the industry. While numerous measures have been proposed in the literature to measure industry competition, as explained previously, SBA uses the cumulative share of total industry receipts of the four largest firms ranked by order of market share, which is commonly referred to as the four-firm concentration ratio. However, SBA does not apply this factor to all industries. SBA only considers this factor to be important when the four largest firms account for 40 percent or more of an industry's total receipts. SBA further refines the process by using the average size of the four largest firms in the industry. SBA uses employees to calculate the average size of the four largest firms for employee based size standards and receipts for receipts based size standards. This produces a measure

that is influenced both by the relative degree of concentration (the four-firm concentration ratio) and the absolute size of the four largest or most dominant firms in the industry. These latter criteria can result in a lower suggested size standard in an industry with a higher four-firm concentration ratio than in an industry with a lower four-firm concentration ratio, simply because the latter industry's four largest firms are larger in absolute terms than the former industry's four largest firms.

Finally, as discussed above, SBA computes the Gini coefficient to measure distribution of firms by size by constructing the Lorenz curve. The Lorenz curve focuses on the arrangement of firms in order of increasing size (using receipts size for receipts based size standards and employee size for employee based size standards) and expresses inequality in terms of cumulative shares of industry's total receipts accounted for by various size categories. Cumulative percentages of units (firms) are on the horizontal axis and cumulative shares of industry's receipts are on the vertical axis. A diagonal line would represent perfect equality, which would mean that every firm in the industry has exactly the same share of industry receipts. The ratio of deviation from the diagonal serves is a measure of inequality. If an industry's receipts are perfectly equally distributed among all firms in the industry, then the Lorenz curve and the line of perfect equality become one and the Gini coefficient value approaches zero. Conversely, if an industry's total receipts are attributed to one firm, the Gini coefficient would equal one. Accordingly, the Gini coefficient values vary from zero to one, with zero implying perfect equality, and one perfect inequality. A high Gini coefficient value (closer to one) would thus suggest a relatively high size standard and a low value (closer to zero) would justify a relatively low size standard.

Table 1, Values of Industry Factors by Quintile and Supported Size Standards, portrays the various quintile ranges for each industry factor and supported size standards that will be applied to the industries in Wholesale Trade (NAICS Sector 42).

TABLE 1—VALUES OF INDUSTRY FACTORS BY QUINTILE AND SUPPORTED SIZE STANDARDS

Quintile	Percentile (%)	Simple average firm size (number of employees)	Weighted average firm size (number of employees)	Average assets size ($ million)	Avg. number employees of largest four firms *	Gini coefficient	Supported size standard (number of employees)
1st quintile	<20%	<13.5	<78.0	<2.8	<700.0	<0.680	50
2nd quintile	20% to <40%	13.5 to <17.0	78.0 to <141.0	2.8 to <4.5	700.0 to <1,096.3	0.680 to <0.731	100
3rd quintile	40% to <60%	17.0 to <20.8	141.0 to <202.8	4.5 to <.5	1,096.3 to <1,648.8.	0.731 to <0.786	150
4th quintile	60% to <80%	20.8 to <26.0	202.8 to <448.9	6.5 to <8.8	1,648.8 to <4,034.3.	0.786 to <0.844	200
5th quintile	≥80%	≥26.0	≥448.9	≥8.8	≥4,034.3	≥0.844	250

* Used only if four-firm concentration ratio is 40 percent or more.

New Size Standards for SBA's Financial Programs

For each industry factor shown in Table 1, Values of Industry Factors by Quintile and Supported Size Standards, SBA derives a size standard for each industry based on where the industry falls in the quintile rankings based on that factor. For example, if an industry's simple average firm size is 15 employees, the industry would fall within the second quintile and support a size standard of 100 employees. Similarly, if an industry's four-firm ratio is above 40 percent and average size of the largest four firms in that industry is 1,250 employees, the industry would fall in the third quintile group with a supported size standard of 150 employees. This procedure is applied to each industry for each industry factor.

The results of size standards analysis for the industries in Wholesale Trade (NAICS Sector 42) are shown in Table 2, Size Standards Supported by Each Factor for Each Industry (Number of Employees), below. Columns 2, 3, 4, 6, and 7 show two numbers for each industry. The upper number is the value of the industry factor shown on the top of the column, and the lower number is the size standard supported by that factor, as specified in Table 1, Values of Industry Factors by Quintile and Supported Size Standards. For the four-firm concentration ratio, SBA estimates a size standard only for those industries for which its value is 40 percent or more. If the four-firm concentration ratio for an industry is less than 40 percent, no size standard is derived for this factor. If the four-firm concentration ratio is 40 percent or higher, SBA indicates in column 6 the average firm size of the industry's largest four firms together with the size standard supported by that factor. Only 11 industries in NAICS Sector 42 had the four-firm concentration ratio of 40 percent or more and a size standard was derived for each of them based on the average firm size of the industry's largest firms. Column 8 shows a calculated new size standard for each industry. This is the average of the size standards for each factor, rounded to the nearest level. However, size standards supported by the simple average and the weighted average firm size were averaged together to obtain one size standard for average firm size, and therefore received a single weight. Analytical details involved in the averaging procedures are further described in SBA's ''Size Standards Methodology.''

TABLE 2—SIZE STANDARDS SUPPORTED BY EACH FACTOR FOR EACH INDUSTRY (NUMBER OF EMPLOYEES) UPPER VALUE = CALCULATED FACTOR, LOWER VALUE = SIZE STANDARD SUPPORTED

NAICS Code NAICS U.S. industry title	Simple average firm size (number of employees)	Weighted average firm size (number of employees)	Average assets size ($ million)	Four-firm ratio %	Four-firm average size (number of employees)	Gini coefficient	Calculated size standard (number of employees)	Current size standard (number of employees)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
423110 Automobile and Other Motor Vehicle Merchant Wholesalers.	21 200	160 150	$27.1 250	53.5	2,115 200	0.931 250	250	100
423120 Motor Vehicle Supplies and New Parts Merchant Wholesalers.	21 150	197 150	$6.5 200	31.3		0.860 250	200	100
423130 Tire and Tube Merchant Wholesalers	24 200	207 200	$6.6 200			0.780 150	200	100
423140 Motor Vehicle Parts (Used) Merchant Wholesalers.	8 50	168 150	$0.6 50			0.476 50	50	100
423210 Furniture Merchant Wholesalers	12 50	67 50	$2.0 50	14.3		0.681 100	50	100
423220 Home Furnishing Merchant Wholesalers.	15 100	97 100	$3.4 100	22.1		0.710 100	100	100
423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers.	24 200	261 200	$5.2 150	15.5		0.730 100	150	100
423320 Brick, Stone, and Related Construction Material Merchant Wholesalers.	15 100	78 100	$5.1 150	24.4		0.775 150	150	100
423330 Roofing, Siding, and Insulation Material Merchant Wholesalers.	32 250	212 200	$7.9 200	30.0		0.781 150	200	100
423390 Other Construction Material Merchant Wholesalers.	18 150	132 100	$3.2 100	28.3		0.728 100	100	100
423410 Photographic Equipment and Supplies Merchant Wholesalers.	21 200	251 200	$7.4 200	53.2	1,374 150	0.844 250	200	100
423420 Office Equipment Merchant Wholesalers.	49 250	2,705 250	$4.4 100	45.4	15,798 250	0.870 250	200	100
423430 Computer and Computer Peripheral Equipment and Software Merchant Wholesalers.	36 250	1,249 250	$8.8 250	31.5		0.891 250	250	100
423440 Other Commercial Equipment Merchant Wholesalers.	13 50	89 100	$1.8 50	10.6		0.638 50	50	100
423450 Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers.	25 200	645 250	$6.5 150	24.3		0.889 250	200	100
423460 Ophthalmic Goods Merchant Wholesalers.	24 200	449 250	$3.4 100	23.6		0.739 150	150	100
423490 Other Professional Equipment and Supplies Merchant Wholesalers.	16 100	203 200	$3.4 100	43.6	1,553 150	0.787 200	150	100
423510 Metal Service Centers and Other Metal Merchant Wholesalers.	20 150	128 100	$10.1 250	14.3		0.749 150	200	100
423520 Coal and Other Mineral and Ore Merchant Wholesalers.	11 50	38 50	$14.5 250	30.8		0.582 50	100	100
423610 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.	22 200	455 250	$5.1 150	17.6		0.811 200	200	100
423620 Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.	22 200	333 200	$7.8 200	36.8		0.813 200	200	100
423690 Other Electronic Parts and Equipment Merchant Wholesalers.	26 250	469 250	$8.0 200	20.5		0.860 250	250	100
423710 Hardware Merchant Wholesalers	17 150	160 150	$3.4 100	20.1		0.747 150	150	100
423720 Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers.	22 200	333 200	$7.8 200	36.8		0.813 200	200	100
423730 Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers.	25 200	201 150	$5.0 150	29.7		0.776 150	150	100
423740 Refrigeration Equipment and Supplies Merchant Wholesalers.	17 150	184 150	$2.8 100	27.1		0.657 50	100	100
423810 Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers.	34 250	250 200	$15.2 250	24.1		0.817 200	250	100
423820 Farm and Garden Machinery and Equipment Merchant Wholesalers.	16 100	53 50	$4.1 100	25.8		0.680 100	100	100
423830 Industrial Machinery and Equipment Merchant Wholesalers.	15 100	94 100	$2.8 100	6.3		0.682 100	100	100
423840 Industrial Supplies Merchant Wholesalers.	16 100	78 100	$3.8 100	22.9		0.732 150	100	100
423850 Service Establishment Equipment and Supplies Merchant Wholesalers.	14 100	128 100	$1.6 50	19.9		0.686 100	100	100
423860 Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers.	17 100	112 100	$8.4 200	33.1		0.786 200	150	100
423910 Sporting and Recreational Goods and Supplies Merchant Wholesalers.	10 50	66 50	$2.7 50	11.2		0.690 100	50	100
423920 Toy and Hobby Goods and Supplies Merchant Wholesalers.	15 100	148 150	$4.9 150	43.9	1,099 150	0.817 200	150	100

TABLE 2—SIZE STANDARDS SUPPORTED BY EACH FACTOR FOR EACH INDUSTRY (NUMBER OF EMPLOYEES) UPPER VALUE = CALCULATED FACTOR, LOWER VALUE = SIZE STANDARD SUPPORTED—Continued

NAICS Code NAICS U.S. industry title	Simple average firm size (number of employees)	Weighted average firm size (number of employees)	Average assets size ($ million)	Four-firm ratio %	Four-firm average size (number of employees)	Gini coefficient	Calculated size standard (number of employees)	Current size standard (number of employees)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
423930 Recyclable Material Merchant Wholesalers.	17 100	104 100	$3.8 100	16.1		0.694 100	100	100
423940 Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers.	7 50	75 50	$2.7 50	14.9		0.472 50	50	100
423990 Other Miscellaneous Durable Goods Merchant Wholesalers.	10 50	108 100	$2.0 50	22.1		0.729 100	100	100
424110 Printing and Writing Paper Merchant Wholesalers.	25 200	254 200	$11.1 250	41.9	1,567 150	0.866 250	200	100
424120 Stationery and Office Supplies Merchant Wholesalers.	19 150	593 250	$2.6 50	30.4		0.838 200	150	100
424130 Industrial and Personal Service Paper Merchant Wholesalers.	17 150	103 100	$4.5 150	32.7		0.811 200	150	100
424210 Drugs and Druggists' Sundries Merchant Wholesalers.	41 250	899 250	$31.0 250	43.9	4,655 250	0.950 250	250	100
424310 Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers.	10 50	51 50	$2.3 50	11.5		0.621 50	50	100
424320 Men's and Boys' Clothing and Furnishings Merchant Wholesalers.	17 150	177 150	$4.6 150	20.0		0.762 150	150	100
424330 Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers.	14 100	161 150	$3.1 100	13.4		0.711 100	100	100
424340 Footwear Merchant Wholesalers	20 150	293 200	$8.0 200	34.5		0.833 200	200	100
424410 General Line Grocery Merchant Wholesalers.	58 250	1,678 250	$11.4 250	39.5		0.919 250	250	100
424420 Packaged Frozen Food Merchant Wholesalers.	28 250	301 200	$6.8 200	22.3		0.723 100	200	100
424430 Dairy Product (except Dried or Canned) Merchant Wholesalers.	28 250	419 200	$6.7 200			0.813 200	200	100
424440 Poultry and Poultry Product Merchant Wholesalers.	26 200	105 100	$4.8 150			0.719 100	150	100
424450 Confectionery Merchant Wholesalers	31 250	1,584 250	$5.9 150			0.870 250	200	100
424460 Fish and Seafood Merchant Wholesalers.	11 50	54 50	$1.6 50	9.7		0.462 50	50	100
424470 Meat and Meat Product Merchant Wholesalers.	19 150	143 150	$3.1 100	20.3		0.731 150	150	100
424480 Fresh Fruit and Vegetable Merchant Wholesalers.	23 200	166 150	$2.5 50	8.8		0.607 50	100	100
424490 Other Grocery and Related Products Merchant Wholesalers.	29 250	1,019 250	$6.9 200	21.6		0.873 250	250	100
424510 Grain and Field Bean Merchant Wholesalers.	19 150	129 100	$16.4 250	27.3		0.766 150	200	100
424520 Livestock Merchant Wholesalers	8 50	27 50	$1.6 50	24.4		0.258 50	50	100
424590 Other Farm Product Raw Material Merchant Wholesalers.	9 50	46 50	$6.0 150	29.2		0.627 50	100	100
424610 Plastics Materials and Basic Forms and Shapes Merchant Wholesalers.	14 100	50 50	$5.5 150	33.8		0.735 150	150	100
424690 Other Chemical and Allied Products Merchant Wholesalers.	18 150	192 150	$6.9 200	14.5		0.783 150	150	100
424710 Petroleum Bulk Stations and Terminals.	23 200	70 50	$20.8 250	31.9		0.811 200	200	100
424720 Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).	14 100	62 50	$17.0 250	30.4		0.787 200	200	100
424810 Beer and Ale Merchant Wholesalers	61 250	273 200	$10.0 250	14.0		0.704 100	200	100
424820 Wine and Distilled Alcoholic Beverage Merchant Wholesalers.	45 250	1,569 250	$13.3 250	28.1		0.852 250	250	100
424910 Farm Supplies Merchant Wholesalers.	18 150	234 200	$7.2 200	19.3		0.779 150	200	100
424920 Book, Periodical, and Newspaper Merchant Wholesalers.	31 250	556 250	$5.8 150	33.8		0.886 250	200	100
424930 Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers.	16 100	141 150	$1.2 50	7.5		0.589 50	100	100
424940 Tobacco and Tobacco Product Merchant Wholesalers.	48 250	1,063 250	$10.2 250	53.0	4,554 250	0.870 250	250	100
424950 Paint, Varnish, and Supplies Merchant Wholesalers.	17 150	152 150	$4.6 150	42.3	943 100	0.818 200	150	100
424990 Other Miscellaneous Nondurable Goods Merchant Wholesalers.	7 50	42 50	$1.1 50	11.0		0.585 50	50	100
425110 Business to Business Electronic Markets.	7 50	40 50	$9.3 250	63.7	77 50	0.417 50	100	100

TABLE 2—SIZE STANDARDS SUPPORTED BY EACH FACTOR FOR EACH INDUSTRY (NUMBER OF EMPLOYEES) UPPER VALUE = CALCULATED FACTOR, LOWER VALUE = SIZE STANDARD SUPPORTED—Continued

NAICS Code NAICS U.S. industry title (1)	Simple average firm size (number of employees) (2)	Weighted average firm size (number of employees) (3)	Average assets size ($ million) (4)	Four-firm ratio % (5)	Four-firm average size (number of employees) (6)	Gini coefficient (7)	Calculated size standard (number of employees) (8)	Current size standard (number of employees) (9)
425120 Wholesale Trade Agents and Brokers.	7	471	$4.2	22.8		0.563		
	50	250	100			50	100	100
441110 New Car Dealers	53	444	$9.4	6.0		0.594		
	250	200	250			50	200	200
454310 Fuel Dealers	15	219	$1.6	16.4		0.605		
	100	200	50			50	100	50

Size Standards for NAICS 441110, New Car Dealers and NAICS 454310, Fuel Dealers

As stated above, this proposed rule also covers NAICS 441110 (New Car Dealers) and NAICS 454310 (Fuel Dealers) that currently have employee based size standards in NAICS Sector 44–45 (Retail Trade). The size standards for these industries are, respectively, 200 employees and 50 employees for SBA's financial assistance and other federal nonprocurement programs. However, as explained elsewhere in this proposed rule, for Federal Government procurement of supplies or products, the applicable size standards for all industries in Retail Trade and Wholesale Trade is 500 employees under the nonmanufacturer rule and NAICS codes within these sectors do not apply to such procurements.

Because there are only two industries with employee based size standards in Retail Trade (Sector 44–45), it is not possible to rank and compare their characteristics with other industries in the sector, as done for Wholesale Trade (Sector 42). It is also not possible to determine whether they warrant a higher or lower employee based size standard relative to other industries, because the rest of the industries in the sector have receipts based size standards. The 200-employee size standard for NAICS 441110 and 50-employee size standard for NAICS 454310 are used for SBA's loan and other Federal nonprocurement programs as the 100-employee size standard for all industries in Wholesale Trade. SBA, therefore, derived the new size standards for these two Retail Trade industries by applying the same methodology that it applied for the Wholesale Trade industries. In other words, the two industries in Retail Trade were ranked with all industries in Wholesale Trade based on each industry factor. The results for each industry factor and supported size standards for NAICS codes 441110 and 454310 are also shown in the last two rows of Table 2, Size Standards Supported by Each Factor for Each Industry (Number of Employees), above. The results support the current 200-employee size standard for NAICS 441110 and a higher 100-employee size standard for NAICS 454310.

Size Standard for Federal Procurement

The previous sections presented SBA's analyses of size standards for all industries in Wholesale Trade and two industries in Retail Trade for firms seeking SBA's financial assistance. SBA proposed replacing the common 100-employee size standard currently in place for financial programs for all industries in Wholesale Trade (NAICS Sector 42) with separate size standards based on characteristics of individual industries within the sector. For purposes of Federal procurement programs, however, SBA proposes to retain the single size standard for nonmanufacturers instead of breaking the sector into separate, industry specific size standards. SBA's regulation requires that a Wholesale Trade or Retail Trade business concern submitting an offer or quote on a supply acquisition as a nonmanufacturer is deemed small if it, along with its affiliates, has 500 or fewer employees. Under the regulation, NAICS codes in Wholesale Trade and Retail Trade sectors cannot be used for classifying Federal Government acquisitions for supplies or products. Instead, the applicable manufacturing NAICS code associated with manufacturing, production, or processing of the product being procured shall be used.

SBA believes that a single size standard is more appropriate than separate size standards to determine eligibility of Wholesale or Retail Trade firms that compete for a small business supply acquisition as nonmanufacturers, regardless of which Wholesale or Retail Trade NAICS codes they belong to. Moreover, the current 500-employee single size standard under the nonmanufacturer rule has gained general public acceptability and seems to be working well in practice. Firms in Wholesale Trade and Retail Trade industries generally carry multiple items from different industries as inventory, and therefore identify themselves with multiple NAICS codes. Different size standards for individual industries in Wholesale Trade and Retail Trade under the nonmanufacturer rule would further complicate the contracting decision process, which already entails the decision to establish an applicable manufacturing industry, along with its size standard, associated with manufacturing, production, or processing of the product being procured.

While SBA supports a single size standard for Wholesale and Retail Trade firms bidding for Federal procurements of supplies or products as nonmanufacturers, in this proposed rule, the Agency still examined whether the current 500-employee size standard is appropriate. For this, SBA compared the average industry factors (*i.e.,* average firm size, average assets, industry concentration, and distribution of firms by size) of all Wholesale and Retail Trade industries combined with those of the manufacturing industries in the 500-employee size standard group by applying the Agency's ''Size Standards Methodology'' for employee based size standards. SBA believes this makes sense because Wholesale and Retail Trade firms have to compete with manufacturers for supply or product contracts set aside for small businesses. Moreover, the 500-employee size standard that currently applies to nonmanufacturers is also the anchor and most common size standard for the manufacturing industries. The results supported the current 500-employee size standard under the nonmanufacturer rule.

Proposed Changes to Size Standards

The results from Table 2, Size Standards Supported by Each Factor for Each Industry (Number of Employees), are summarized in Table 3, Summary of Size Standards Analysis, below. The summary pertains to the size standards that apply for SBA's financial assistance programs. Of the 71 industries in Wholesale Trade, the results might support increases in size standards for 47 industries, decreases for nine industries, and no changes for 16 industries. Of the two Retail Trade industries that SBA reviewed in this proposed rule, the results support an increase in size standard for one and no change in other.

TABLE 3—SUMMARY OF SIZE STANDARDS ANALYSIS

NAICS Code	NAICS U.S. industry title	Calculated size standard (number of employees)	Current size standard (number of employees)
423110	Automobile and Other Motor Vehicle Merchant Wholesalers	250	100
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	200	100
423130	Tire and Tube Merchant Wholesalers	200	100
423140	Motor Vehicle Parts (Used) Merchant Wholesalers	50	100
423210	Furniture Merchant Wholesalers	50	100
423220	Home Furnishing Merchant Wholesalers	100	100
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	150	100
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	150	100
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers	200	100
423390	Other Construction Material Merchant Wholesalers	100	100
423410	Photographic Equipment and Supplies Merchant Wholesalers	200	100
423420	Office Equipment Merchant Wholesalers	200	100
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	250	100
423440	Other Commercial Equipment Merchant Wholesalers	50	100
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	200	100
423460	Ophthalmic Goods Merchant Wholesalers	150	100
423490	Other Professional Equipment and Supplies Merchant Wholesalers	150	100
423510	Metal Service Centers and Other Metal Merchant Wholesalers	200	100
423520	Coal and Other Mineral and Ore Merchant Wholesalers	100	100
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.	200	100
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.	200	100
423690	Other Electronic Parts and Equipment Merchant Wholesalers	250	100
423710	Hardware Merchant Wholesalers	150	100
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	200	100
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	150	100
423740	Refrigeration Equipment and Supplies Merchant Wholesalers	100	100
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	250	100
423820	Farm and Garden Machinery and Equipment Merchant Wholesalers	100	100
423830	Industrial Machinery and Equipment Merchant Wholesalers	100	100
423840	Industrial Supplies Merchant Wholesalers	100	100
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	100	100
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	150	100
423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	50	100
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	150	100
423930	Recyclable Material Merchant Wholesalers	100	100
423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	50	100
423990	Other Miscellaneous Durable Goods Merchant Wholesalers	100	100
424110	Printing and Writing Paper Merchant Wholesalers	200	100
424120	Stationery and Office Supplies Merchant Wholesalers	150	100
424130	Industrial and Personal Service Paper Merchant Wholesalers	150	100
424210	Drugs and Druggists' Sundries Merchant Wholesalers	250	100
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	50	100
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	150	100
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	100	100
424340	Footwear Merchant Wholesalers	200	100
424410	General Line Grocery Merchant Wholesalers	250	100
424420	Packaged Frozen Food Merchant Wholesalers	200	100
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers	200	100
424440	Poultry and Poultry Product Merchant Wholesalers	150	100
424450	Confectionery Merchant Wholesalers	200	100
424460	Fish and Seafood Merchant Wholesalers	50	100
424470	Meat and Meat Product Merchant Wholesalers	150	100
424480	Fresh Fruit and Vegetable Merchant Wholesalers	100	100
424490	Other Grocery and Related Products Merchant Wholesalers	250	100
424510	Grain and Field Bean Merchant Wholesalers	200	100
424520	Livestock Merchant Wholesalers	50	100
424590	Other Farm Product Raw Material Merchant Wholesalers	100	100
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	150	100
424690	Other Chemical and Allied Products Merchant Wholesalers	150	100
424710	Petroleum Bulk Stations and Terminals	200	100

TABLE 3—SUMMARY OF SIZE STANDARDS ANALYSIS—Continued

NAICS Code	NAICS U.S. industry title	Calculated size standard (number of employees)	Current size standard (number of employees)
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).	200	100
424810	Beer and Ale Merchant Wholesalers	200	100
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	250	100
424910	Farm Supplies Merchant Wholesalers	200	100
424920	Book, Periodical, and Newspaper Merchant Wholesalers	200	100
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	100	100
424940	Tobacco and Tobacco Product Merchant Wholesalers	250	100
424950	Paint, Varnish, and Supplies Merchant Wholesalers	150	100
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	50	100
425110	Business to Business Electronic Markets	100	100
425120	Wholesale Trade Agents and Brokers	100	100
441110	New Car Dealers	200	200
454310	Fuel Dealers	100	50

Although the results might support lowering size standards for some industries, as shown in the above table, SBA believes that lowering small business size standards is not in the best interest of small businesses in the current economic environment. The U.S. economy was in recession from December 2007 to June 2009, the longest and deepest of any recessions since before World War II. The economy lost more than eight million non-farm jobs during 2008–2009. In response, Congress passed and the President signed into law the American Recovery and Reinvestment Act of 2009 (Recovery Act) to promote economic recovery and to preserve and create jobs. Although the recession officially ended in June 2009, the unemployment rate is still high at 6.3 percent in April 2014 (*www.bls.gov*) and is forecast to remain around this level at least through the end of 2014 (*http://www.federalreserve.gov/monetarypolicy/mpr_20140211_part3.htm*).

In 2010, Congress passed and the President signed the Jobs Act to promote small business job creation. The Jobs Act puts, among many other measures to help small businesses grow and create jobs, more capital into the hands of entrepreneurs and small business owners. A proposal to reduce size standards will have an immediate impact on jobs, and it would be contrary to the expressed will of the President and the Congress.

Lowering size standards would decrease the number of firms that participate in SBA's financial assistance programs for small businesses. It would also affect small businesses that are now exempt or receive some form of relief from other Federal programs that use SBA's size standards. That impact could take the form of increased fees, extra paperwork, or other compliance requirements for small businesses. Furthermore, size standards based solely on analytical results without any other considerations can cut off currently eligible small firms from those programs and benefits. In the nine industries for which analytical results might have supported lowering their size standards, about 875 businesses would lose their small business eligibility for SBA's financial assistance if their size standards were lowered. That would run counter to what SBA and the Federal government are doing to help small businesses and create jobs. Reducing size eligibility for Federal small business assistance, especially under current economic conditions, would not preserve or create more jobs; rather, it would have the opposite effect. Therefore, in this proposed rule, SBA does not intend to reduce size standards for any industries. Accordingly, for industries where analyses might seem to support lowering size standards, SBA proposes to retain the current size standards.

Furthermore, as stated previously, the Small Business Act requires the SBA's Administrator to ". . . consider other factors deemed to be relevant . . ." to establishing small business size standards. The current economic conditions and the impact on job creation are quite relevant factors when establishing small business size standards. SBA, nevertheless, invites comments and suggestions on whether it should lower size standards as suggested by analyses of industry and program data or retain the current standards for those industries in view of current economic conditions.

As discussed above, lowering small business size standards will be inconsistent with what the Federal government is doing to stimulate the economy and would discourage job growth for which Congress established the Recovery Act and Jobs Act. In addition, it would be inconsistent with the Small Business Act requiring the Administrator to establish size standards based on industry analysis and other relevant factors such as current economic conditions. Thus, of the 73 industries (71 in Sector 42 and two in Sector 44–45) reviewed in this rule, SBA proposes to increase size standards for 47 industries and retain the current size standards for 26 industries, including nine for which the results might support lowering their size standards. The proposed size standards are in Table 4, Summary of Proposed Size Standards Revisions, below.

TABLE 4—SUMMARY OF PROPOSED SIZE STANDARDS REVISIONS

NAICS Code	NAICS U.S. industry title	Proposed size standard (number of employees)	Current size standard (number of employees)
423110	Automobile and Other Motor Vehicle Merchant Wholesalers	250	100
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	200	100
423130	Tire and Tube Merchant Wholesalers	200	100
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	150	100
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	150	100
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers	200	100
423410	Photographic Equipment and Supplies Merchant Wholesalers	200	100
423420	Office Equipment Merchant Wholesalers	200	100
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	250	100
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	200	100
423460	Ophthalmic Goods Merchant Wholesalers	150	100
423490	Other Professional Equipment and Supplies Merchant Wholesalers	150	100
423510	Metal Service Centers and Other Metal Merchant Wholesalers	200	100
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.	200	100
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.	200	100
423690	Other Electronic Parts and Equipment Merchant Wholesalers	250	100
423710	Hardware Merchant Wholesalers	150	100
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	200	100
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	150	100
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	250	100
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	150	100
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	150	100
424110	Printing and Writing Paper Merchant Wholesalers	200	100
424120	Stationery and Office Supplies Merchant Wholesalers	150	100
424130	Industrial and Personal Service Paper Merchant Wholesalers	150	100
424210	Drugs and Druggists' Sundries Merchant Wholesalers	250	100
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	150	100
424340	Footwear Merchant Wholesalers	200	100
424410	General Line Grocery Merchant Wholesalers	250	100
424420	Packaged Frozen Food Merchant Wholesalers	200	100
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers	200	100
424440	Poultry and Poultry Product Merchant Wholesalers	150	100
424450	Confectionery Merchant Wholesalers	200	100
424470	Meat and Meat Product Merchant Wholesalers	150	100
424490	Other Grocery and Related Products Merchant Wholesalers	250	100
424510	Grain and Field Bean Merchant Wholesalers	200	100
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	150	100
424690	Other Chemical and Allied Products Merchant Wholesalers	150	100
424710	Petroleum Bulk Stations and Terminals	200	100
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).	200	100
424810	Beer and Ale Merchant Wholesalers	200	100
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	250	100
424910	Farm Supplies Merchant Wholesalers	200	100
424920	Book, Periodical, and Newspaper Merchant Wholesalers	200	100
424940	Tobacco and Tobacco Product Merchant Wholesalers	250	100
424950	Paint, Varnish, and Supplies Merchant Wholesalers	150	100
454310	Fuel Dealers	100	50

Maintaining current size standards when the analytical results suggested lowering them is consistent with SBA's recent final rules on NAICS Sector 44–45, Retail Trade (75 FR 61597 (October 6, 2010)); NAICS Sector 72, Accommodation and Food Services (75 FR 61604 (October 6, 2010)); NAICS Sector 81, Other Services (75 FR 61591 (October 6, 2010)); NAICS Sector 54, Professional, Scientific and Technical Services (77 FR 7490 (February 10, 2012)); NAICS Sector 48 49, Transportation and Warehousing (77 FR 10943 (February 24, 2012)); NAICS Sector 51, Information (77 FR 72702 (December 6, 2012)); NAICS Sector 53, Real Estate and Rental and Leasing (77 FR 88747 (September 24, 2012)); NAICS Sector 56, Administrative and Support, Waste Management and Remediation Services (77 FR 72691 (December 6, 2012)); NAICS Sector 61, Educational Services (77 FR 58739 (September 24, 2012)); and NAICS Sector 62, Health Care and Social Assistance (77 FR 58755 (September 24, 2012)); NAICS Sector 11, Agriculture, Forestry, Fishing and Hunting (78 FR 37398 (June 20, 2013)); NAICS Subsector 213, Support Activities for Mining (78 FR 37404 (June 20, 2013)); NAICS Sector 52, Finance and Insurance and Sector 55, Management of Companies and Enterprises (78 FR 37409 (June 20, 2013)); NAICS Sector 71, Arts, Entertainment and Recreation (78 FR 37417 (June 20, 2013)); and NAICS Sector 23, Construction (78 FR 77334) (December 23, 2013)). In each of those final rules, SBA retained the existing

size standards for those that it could have reduced.

SBA also proposes to retain the current 500-employee size standard under the nonmanufacturer rule.

Evaluation of Dominance in Field of Operation

SBA has determined that for the industries for which it has proposed to increase size standards in this proposed rule, no individual firm at or below the proposed size standard will be large enough to dominate its field of operation. At the proposed size standards, if adopted, the small business share of total industry receipts among those industries for which SBA has proposed to increase their size standards is, on average, 0.5 percent, varying from a minimum of 0.02 percent to a maximum of 7.8 percent. These market shares effectively preclude a firm at or below the proposed size standards from exerting control on any of the industries.

Request for Comments

SBA invites public comments on this proposed rule, especially on the following issues:

1. SBA proposes to replace the current 100-employee common size standard for SBA's financial programs for all industries in Wholesale Trade with five separate industry specific size standards, namely 50 employees, 100 employees, 150 employees, 200 employees, and 250 employees. SBA invites comments on whether replacing the 100-employee level with these five different levels is necessary and appropriate. SBA also welcomes suggestions, along with supporting data and analysis, on different size standards levels if the commenters believe they will be more appropriate.

2. Of the 73 industries (71 in Sector 42 and 2 in Sector 44–45) reviewed in this proposed rule, SBA proposes to increase size standards for 47 and retain the current size standards for remaining 26, including the nine for which the results might support lowering their size standards. SBA seeks comments on whether the proposed increases are appropriate given the industry data. SBA also invites comments on whether its proposal to retain the current size standards for 26 industries is appropriate, including the nine for which the analytical results supported lower size standards. SBA welcomes suggestions, along with supporting data and analysis, on different size standards if they would be more appropriate.

3. While SBA proposes to replace the current 100-employee size standard for Wholesale Trade industries with separate industry specific size standards for its financial programs, the Agency proposes to retain the current 500-employee size standard for firms in Wholesale and Retail Trade industries to qualify as nonmanufacturers for the Federal government procurement of supplies or products. SBA invites comments on whether it should continue using a common size standard under its nonmanufacturer rule and on whether the current 500-employee size standard is appropriate. SBA also welcomes suggestions, with supporting data, on whether a different size standard would be more appropriate for the nonmanufacturer rule.

4. For several industries in NAICS Sector 42, based on industry structure, SBA proposes relatively large increases for some industries, while for others the proposed increases are modest. SBA seeks feedback on whether, as a policy, the Agency should limit the increase or decrease of a size standard, or establish minimum or maximum values for its size standards. SBA also invites suggestions on alternative levels of changes to size standards and on their minimum or maximum levels if commenters think they are more appropriate.

5. SBA's proposed size standards for its financial programs are based on the evaluation of four industry factors—average firm size, average assets size (as a proxy of startup costs and entry barriers), four-firm concentration ratio, and the distribution of firms by size. SBA welcomes comments on the appropriateness of these factors, and/or suggestions of other factors that it should consider when evaluating or revising size standards. SBA also seeks information on alternative data sources, if the data it used have weaknesses or issues.

6. SBA gives equal weight to each industry factor in all industries in this rule. These include average firm size (as measured by the average of the simple average and the weighted average), startup cost and entry barriers as measured by average asset size per firm in an industry, industry competition as measured by the four-firm concentration ratio, and the size distribution of economic activity as measured by the Gini coefficient of receipts within employee firm size distributions within an industry. SBA seeks feedback on whether it should continue giving equal weights to each factor, or whether it should give more weight to one or more factors for certain industries. Recommendations to weigh some factors more than others should include suggested weights for each factor along with supporting information.

7. For analytical simplicity and efficiency, in this proposed rule, SBA has refined its size standard methodology to obtain a single value as a proposed size standard instead of a range of values in the past. SBA welcomes any comments on this procedure and suggestions on alternative methods.

Public comments on the above issues are very valuable to SBA for validating its proposed size standards revisions and size standards methodology that the Agency applied in this proposed rule. Commenters addressing size standards for specific industries or a group of industries should include relevant data and/or other information supporting their comments or suggestions. If comments relate to using size standards for federal procurement programs, SBA suggests that commenters provide information on the size of contracts in their industries, the size of businesses that can undertake the contracts, startup costs, equipment and other asset requirements, the amount of subcontracting, other direct and indirect costs associated with the contracts, the use of mandatory sources of supply for products and services, and the degree to which contractors can mark up those costs.

Compliance With Executive Orders 12866, 13563, 12988 and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule is not a ''significant regulatory action'' for purposes of Executive Order 12866. In order to help explain the need of this rule and the rule's potential benefits and costs, SBA is providing a Cost Benefit Analysis of this proposed rule below. This is also not a ''major rule'' under the Congressional Review Act.

Cost Benefit Analysis

1. Is there a need for the regulatory action?

SBA believes that proposed revisions to employee based size standards in Wholesale Trade and Retail Trade sectors will better reflect the economic characteristics of small businesses in those sectors and maximize benefits small businesses receive from Federal programs. SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development, and advocacy programs. To determine the intended beneficiaries of these programs, SBA establishes

distinct definitions of which businesses are deemed small businesses. The Small Business Act (15 U.S.C. 632(a)) delegates to SBA's Administrator the responsibility for establishing small business definitions. The Act also requires that small business definitions vary to reflect industry differences. The Small Business Jobs Act of 2010 also requires SBA to review all size standards and make necessary adjustments to reflect market conditions. The supplementary information section of this proposed rule explains SBA's methodology for analyzing the size standards of industries covered by this rule.

2. What are the potential benefits and costs of this regulatory action?

The most significant benefit to businesses obtaining small business status because of proposed increases in employee based size standards in this proposed rule, if adopted, is gaining eligibility for SBA's financial assistance programs. These include SBA's 7(a), CDC/504, and Economic Injury Disaster Loan (EIDL) programs. The following groups would benefit from the proposed size standards revisions in this rule, if adopted as proposed: (1) Some businesses that are above the current size standards would gain small business status under the higher size standards, thereby enabling them to participate in SBA's financial assistance programs; and (2) growing small businesses that are close to exceeding the current size standards would be able to retain their small business status under the higher size standards, thereby enabling them to continue their participation in those programs.

SBA estimates that in 47 industries for which it proposes to increase employee based size standards in Sectors 42 and 44–45, nearly 4,000 firms, not small under the existing size standards, will become small under the proposed size standards, if adopted, and therefore will become eligible for SBA's financial assistance programs. That is an increase of 1.1 percent of all firms classified as small under the current employee based size standards in those sectors. For the industries reviewed in this rule, the data indicate that it is mostly businesses much smaller than the current size standards that use the SBA's 7(a) and 504 loan programs. Based on the fiscal years 2010–2012 data, SBA estimates up to about 50 loans totaling about $20 million could be made under its 7(a) and CDC/504 Programs to these newly defined small businesses under the proposed size standards. Increasing the size standards will likely result in more small business guaranteed loans to businesses in those industries, but it is be impractical to try to estimate exactly the number and total amount of loans. There are two reasons for this: (1) Under the Jobs Act, SBA can now guarantee substantially larger loans than in the past; and (2) as described above, the Jobs Act established a higher alternative size standard, explained above, for business concerns that do not meet the size standards for their industry. Therefore, SBA finds it difficult to quantify the actual impact of these proposed size standards on its 7(a) and 504 Loan Programs.

Newly defined small businesses will also benefit from SBA's EIDL program. Since this program is contingent on the occurrence and severity of a disaster, SBA cannot make a meaningful estimate of this impact.

Since NAICS codes in Wholesale Trade and Retail Trade sectors and their industry specific size standards do not apply to Federal procurement programs and SBA has proposed no change to the 500-employee size standard under the nonmanufacturer rule, the proposed changes in industry specific size standards would have no impact on Federal procurement dollars. However, SBA's proposal to retain the current 500-employee size standard under the nonmanufacturer rule will enable firms in Wholesale and Retail Trade industries to maintain their eligibility for Federal supply procurements intended for small businesses. Federal procurement programs provide targeted opportunities for small businesses under SBA's business development programs, such as 8(a), Small Disadvantaged Businesses (SDB), small businesses located in Historically Underutilized Business Zones (HUBZone), women-owned small businesses (WOSB), and service-disabled veteran-owned small businesses (SDVOSB).

More businesses will benefit from a variety of Federal regulatory and other programs that use SBA's size standards. Such benefits may include, but are not limited to, reduced fees, less paperwork, or exemption from compliance or other regulatory requirements.

To the extent that those 4,000 newly defined additional small firms under the proposed employee based size standards become active in seeking Federal assistance, the proposed changes, if adopted, may entail some additional administrative costs to the government as a result of more businesses being eligible for Federal small business programs. For example, there will be more firms seeking SBA's guaranteed loans, more firms eligible for enrollment in the System of Award Management (SAM) database, and more firms seeking certification as 8(a) or HUBZone firms or qualifying for small business, WOSB, EDWOSB, SDVOSB, and SDB status. Among those newly defined small businesses seeking SBA's assistance, there could be some additional costs associated with compliance and verification of small business status and protests of small business status. However, SBA believes that these added administrative costs will be minimal because mechanisms are already in place to handle these requirements.

The proposed revisions to the existing employee based size standards in Sectors 42 and 44–45 are consistent with SBA's statutory mandate to assist those businesses that it considers small. This regulatory action promotes the Administration's objectives. One of SBA's goals in support of the Administration's objectives is to help individual small businesses succeed through fair and equitable access to capital and credit, Government contracts, and management and technical assistance. Reviewing and modifying size standards, when appropriate, ensures that intended beneficiaries have access to small business programs designed to assist them.

Executive Order 13563

A description of the need for this regulatory action and benefits and costs associated with this action that relate to Executive Order 13563 is included above in the Cost Benefit Analysis under Executive Order 12866.

In an effort to engage interested parties in this action, SBA has presented its size standards methodology (discussed above under Supplementary Information) to various industry associations and trade groups. SBA also met with a number of industry groups and individual businesses to get their feedback on its methodology and other size standards issues. In addition, SBA presented its size standards methodology to businesses in 13 cities in the U.S. and sought their input as part of Jobs Act tours. The presentation also included information on the latest status of the comprehensive size standards review and on how interested parties can provide SBA with input and feedback on size standards review.

Additionally, SBA sent letters to the Directors of the Offices of Small and Disadvantaged Business Utilization (OSDBU) at several federal agencies with considerable procurement responsibilities requesting their feedback on how the agencies use SBA's size standards and whether current size standards meet their programmatic

needs (both procurement and non-procurement). SBA considered all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and federal agencies in preparing this proposed rule.

The review of employee based size standards in NAICS Sectors 42 and 44–45 is consistent with E.O. 13563, Sec. 6, calling for retrospective analyses of existing rules. The last comprehensive review of size standards occurred during the late 1970s and early 1980s. Since then, except for periodic adjustments for monetary based size standards, most reviews of size standards were limited to a few specific industries in response to requests from the public and federal agencies. SBA recognizes that changes in industry structure and the Federal marketplace over time have rendered existing size standards for some industries no longer supportable by current data. Accordingly, in 2007, SBA began a comprehensive review of its size standards to ensure that existing size standards have supportable bases and to revise them when necessary. In addition, the Jobs Act of 2010 requires SBA to conduct a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. Specifically, it requires SBA to conduct a detailed review of at least one-third of all size standards during every 18-month period from the date of its enactment, and do a complete review of all size standards not less than once every five years thereafter.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this proposed rule 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. Therefore, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

For the purpose of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA has determined that this proposed rule will not impose any new reporting or record keeping requirements.

Initial Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act (RFA), this proposed rule, if adopted, may have a significant impact on a substantial number of small businesses in Sector 42, Wholesale Trade, and some small businesses in Sectors 44–45, Retail Trade. As described above, this rule may affect small businesses seeking loans under SBA's 7(a), 504, and Economic Injury Disaster Loan Programs, and assistance under other federal small business programs.

Immediately following, SBA sets forth an initial regulatory flexibility analysis (IRFA) of this proposed rule addressing the following questions: (1) What are the need for and objectives of the rule? (2) What are SBA's description and estimate of the number of small businesses to which the rule will apply? (3) What are the projected reporting, record keeping, and other compliance requirements of the rule? (4) What are the relevant federal rules that may duplicate, overlap, or conflict with the rule? and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small businesses?

1. What are the need for and objective of the rule?

Changes in industry structure, technological changes, productivity growth, mergers and acquisitions, and updated industry definitions have changed the structure of many industries in Sectors 42 and 44–45. Such changes can be sufficient to support revisions to current size standards for some industries. Based on the analysis of the latest data available, SBA believes that the revised standards in this proposed rule more appropriately reflect the size of businesses that need Federal assistance. The Jobs Act also requires SBA to review all size standards and make necessary adjustments to reflect market conditions.

2. What are SBA's description and estimate of the number of small businesses to which the rule will apply?

If the proposed rule is adopted in its present form, nearly 4,000 more firms in Sectors 42 and 44–45 will become small for financial assistance under the revised employee based size standards. That represents 1.1 percent of total firms that are small under current employee based size standards in all industries within those sectors that are covered by this proposed rule. The proposed size standards, if adopted, will enable more small businesses to retain their small business status for a longer period. Additionally, many firms that may have exceeded the current size standards and lost their eligibility for SBA's financial assistance and other Federal programs for small businesses will regain eligibility for those programs under the proposed employee based size standards, if adopted.

3. What are the projected reporting, record keeping and other compliance requirements of the rule?

The proposed size standard changes impose no additional reporting or record keeping requirements on small businesses. Qualifying for SBA's financial does not require that businesses register in the Systems of Award Management (SAM) database and certify in SAM that they are small at least once annually. However, some newly qualified small businesses under the proposed size standards may want to participate in the federal government procurement and other programs that require firms to register and certify in SAM. Therefore, those businesses must comply with SAM requirements. There are no costs associated with either SAM registration or annual certification. Changing size standards alters the access to SBA's financial and other Federal programs that assist small businesses, but does not impose a regulatory burden because they neither regulate nor control business behavior.

4. What are the relevant federal rules, which may duplicate, overlap, or conflict with the rule?

Under section 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). SBA is not aware of any Federal rule that would duplicate or conflict with establishing or revising size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (13 CFR 121.903). The RFA authorizes a Federal agency to establish an alternative small business definition, after consultation with the Office of Advocacy of the U.S. Small

Business Administration (5 U.S.C. 601(3)).

5. What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, SBA proposes to amend part 13 CFR part 121 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 662, and 694a(9).

■ 2. In § 121.201, in the table ''Small Business Size Standards by NAICS Industry'' revise the entries for ''423110'', ''423120'', ''423130'', ''423310'', ''423320'', ''423330'', ''423410'', ''423420'', ''423430'', ''423450'', ''423460'', ''423490'', ''423510'', ''423610'', ''423620'', ''423690'', ''423710'', ''423720'', ''423730'', ''423810'', ''423860'', ''423920'', ''424110'', ''424120'', ''424130'', ''424210'', ''424320'', ''424340'', ''424410'', ''424420'', ''424430'', ''424440'', ''424450'', ''424470'', ''424490'', ''424510'', ''424610'', ''424690'', ''424710'', ''424720'', ''424810'', ''424820'', ''424910'', ''424920'', ''424940'', ''424950'', and ''454310'' to read as follows:

§ 121.201 What size standards has SBA identified by North American Industry Classification Codes?

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS Codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
423110	Automobile and Other Motor Vehicle Merchant Wholesalers		250
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers		200
423130	Tire and Tube Merchant Wholesalers		200
*	* * * * *	*	*
423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers		150
423320	Brick, Stone, and Related Construction Material Merchant Wholesalers		150
423330	Roofing, Siding, and Insulation Material Merchant Wholesalers		200
*	* * * * *	*	*
423410	Photographic Equipment and Supplies Merchant Wholesalers		200
423420	Office Equipment Merchant Wholesalers		200
423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers		250
*	* * * * *	*	*
423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers		200
423460	Ophthalmic Goods Merchant Wholesalers		150
423490	Other Professional Equipment and Supplies Merchant Wholesalers		150
423510	Metal Service Centers and Other Metal Merchant Wholesalers		200
*	* * * * *	*	*
423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers.		200
423620	Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers.		200
423690	Other Electronic Parts and Equipment Merchant Wholesalers		250
423710	Hardware Merchant Wholesalers		150
423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers		200
423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers		150
*	* * * * *	*	*
423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers		250
*	* * * * *	*	*
423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers		150
*	* * * * *	*	*
423920	Toy and Hobby Goods and Supplies Merchant Wholesalers		150
*	* * * * *	*	*
424110	Printing and Writing Paper Merchant Wholesalers		200
424120	Stationery and Office Supplies Merchant Wholesalers		150
424130	Industrial and Personal Service Paper Merchant Wholesalers		150
424210	Drugs and Druggists' Sundries Merchant Wholesalers		250

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS Codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers		150
*	* * * * *	*	*
424340	Footwear Merchant Wholesalers		200
424410	General Line Grocery Merchant Wholesalers		250
424420	Packaged Frozen Food Merchant Wholesalers		200
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers		200
424440	Poultry and Poultry Product Merchant Wholesalers		150
424450	Confectionery Merchant Wholesalers		200
*	* * * * *	*	*
424470	Meat and Meat Product Merchant Wholesalers		150
*	* * * * *	*	*
424490	Other Grocery and Related Products Merchant Wholesalers		250
424510	Grain and Field Bean Merchant Wholesalers		200
*	* * * * *	*	*
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers		150
424690	Other Chemical and Allied Products Merchant Wholesalers		150
424710	Petroleum Bulk Stations and Terminals		200
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).		200
424810	Beer and Ale Merchant Wholesalers		200
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers		250
424910	Farm Supplies Merchant Wholesalers		200
424920	Book, Periodical, and Newspaper Merchant Wholesalers		200
*	* * * * *	*	*
424940	Tobacco and Tobacco Product Merchant Wholesalers		250
424950	Paint, Varnish, and Supplies Merchant Wholesalers		150
*	* * * * *	*	*
454310	Fuel Dealers		100
*	* * * * *	*	*

Dated: May 5, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–11269 Filed 5–16–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0311; Directorate Identifier 2014–CE–014–AD]

RIN 2120–AA64

Airworthiness Directives; Fuji Heavy Industries, Ltd. Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Fuji Heavy Industries, Ltd. Models FA–200–160, FA–200–180, and FA–200–180AO airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as deterioration of brake performance due to seal defects caused by deterioration due to age of the O-rings of the brake master cylinder. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 3, 2014.

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

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

For service information identified in this proposed AD, contact Fuji Heavy Industries, Ltd., AEROSPACE COMPANY, 1–11 YOUNAN 1 CHOME UTSUNOMIYA TOCHIGI, JAPAN 320–8564; telephone: +81–28–684–7253; fax: +81–28–684–7260; email: none; Internet: *http://www.fhi.co.jp/english/outline/section/aero.html.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0311; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0311; Directorate Identifier 2014–CE–014–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Japan Civil Aviation Bureau (JCAB), which is the aviation authority for Japan, has issued AD No. TCD–8396–2014, dated April 21, 2014 (referred to after this as ''the MCAI''), to correct an unsafe condition for Fuji Heavy Industries, Ltd. Models FA–200–160, FA–200–180, and FA–200–180AO airplanes and was based on mandatory continuing airworthiness information originated by an aviation authority of another country. The MCAI was issued based on reports of deterioration of brake performance due to seal defects caused by deterioration due to age of the O-rings of the brake master cylinder on the affected airplanes, which could result in reduced or loss of control during ground operations. The MCAI requires repetitive replacement of any O-ring of the brake master cylinders. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0311.

Relevant Service Information

Fuji Heavy Industries, Ltd. has issued Service Bulletin No. 200–016, dated April 17, 2014. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 3 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $255, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 8 work-hours and require parts costing $10, for a cost of $690 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. Amend § 39.13 by adding the following new AD:

Fuji Heavy Industries, Ltd.: Docket No. FAA–2014–0311; Directorate Identifier 2014–CE–014–AD.

(a) Comments Due Date

We must receive comments by July 3, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fuji Heavy Industries, Ltd. Models FA–200–160, FA–200–180, and

FA–200–180AO airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 32: Landing Gear.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as deterioration of brake performance due to seal defects caused by deterioration due to age of the O-rings of the brake master cylinders. We are issuing this proposed AD to prevent the deterioration of brake performance, which could result in reduced or loss of control during ground operations.

(f) Actions and Compliance

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

(1) As of the effective date of this AD, if the brake master cylinder O-rings have accumulated more than 1,000 hours time-in-service (TIS) or 5 years since the last replacement of any O-ring or if the replacement date of any O-ring cannot be determined, within 50 hours TIS after the effective date of this AD or 1 year after the effective date of this AD, whichever occurs first, replace any O-ring following Fuji Heavy Industries Ltd. Service Bulletin No. 200–016, dated April 17, 2014.

(2) As of the effective date of this AD, every time the brake master cylinder is replaced, inspect the manufacture date on the data tag of the brake master cylinder or the last replacement date of any O-ring by referring to the airframe logbook.

(3) During any inspection of the manufacture date of the brake master cylinder or the last replacement date of any O-ring as required by paragraph (f)(2) of this AD, if it is determined that the O-rings have accumulated more than 5 years since the manufacture date on the data tag of the brake master cylinder or the last replacement date of the brake master cylinder O-rings, or if the manufacture date on the data tag on the brake master cylinder and the last replacement date of any brake master cylinder O-ring cannot be determined, before further flight, replace all brake master cylinder O-rings when installed on the airplane following Fuji Heavy Industries Ltd. Service Bulletin No. 200–016, dated April 17, 2014.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: *doug.rudolph@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(h) Related Information

Refer to MCAI Japan Civil Aviation Bureau (JCAB) AD No. TCD–8396–2014, dated April 21, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0311. For service information related to this AD, contact Fuji Heavy Industries, Ltd., AEROSPACE COMPANY, 1–11 YOUNAN 1 CHOME UTSUNOMIYA TOCHIGI, JAPAN 320–8564; telephone: +81–28–684–7253; fax: +81–28–684–7260; email: none; Internet: *http://www.fhi.co.jp/english/outline/section/aero.html.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on May 12, 2014.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–11476 Filed 5–16–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0196; FRL–9909–70–Region 9]

Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). These revisions concern oxides of nitrogen emissions from large water heaters, boilers, steam generators, and process heaters. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by June 18, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0196, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov*, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Nicole Law, EPA Region IX, (415) 947–4126, *law.nicole@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: VCAPCD Rule 5 Effective Date, VCAPCD Rule 74.11.1 Large Water Heaters and Small Boilers, and VCAPCD Rule 74.15.1 Boilers, Steam Generators, and Process Heaters. In the Rules and

Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: March 21, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–11428 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0754; FRL–9911–01–Region–9]

Revision to the California State Implementation Plan; San Joaquin Valley Unified Air Pollution Control District; Quantification of Emission Reductions From Incentive Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing to approve a regulation submitted for incorporation into the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or District) portion of the California State Implementation Plan (SIP). This regulation establishes requirements and procedures for the District's quantification of emission reductions achieved through incentive funding programs implemented in the San Joaquin Valley. The effect of this action would be to make these requirements and procedures federally enforceable as part of the California SIP. We are taking comments on this proposal and plan to follow with a final action.

DATES: Written comments must be received on or before June 18, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R09–OAR–2013–0754, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: steckel.andrew@epa.gov.*
3. *Fax:* 415–947–3579.
4. *Mail or deliver:* Andrew Steckel (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Idalia Perez, EPA Region IX, *perez.idalia@epa.gov,* (415) 972–3248.

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

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I. Background

The San Joaquin Valley (SJV) [1] is currently designated as nonattainment for several of the national ambient air quality standards (NAAQS) promulgated by EPA under the Clean Air Act (CAA) for ozone and fine particulate matter ($PM_{2.5}$). *See* 40 CFR 81.305. Despite numerous air pollution control measures and programs that the SJVUAPCD has implemented over the years to reduce air pollution, the SJV continues to experience some of the worst air quality in the nation. *See, e.g.,* 76 FR 57846 (September 16, 2011) (discussing California ozone plan for SJV) and 76 FR 41338 (July 13, 2011) (discussing California $PM_{2.5}$ plan for SJV). As a result, the District has increasingly relied upon incentive programs and other innovative strategies to reduce air pollution in the SJV. *See* San Joaquin Valley Unified Air Pollution Control District, ''Final Staff Report: Proposed Rule 9610 (State Implementation Plan Credit for Emission Reductions Generated through Incentive Programs),'' dated June 20, 2013 (''Rule 9610 Staff Report'') at 2, 3.

In recent years, federal, state and local governments have begun to use a broader array of tools to manage environmental quality, including market-based economic incentives and other innovative strategies to reduce air pollution. Economic incentives are defined broadly as instruments that use financial means to motivate polluters to reduce the health and environmental risks posed by their facilities, processes, or products. *See* U.S. EPA (Office of Policy, Economics, and Innovation) and National Center for Environmental Economics, ''The United States Experience with Economic Incentives for Protecting the Environment,'' EPA–240–R–01–001, January 2001, Executive Summary. In light of the increasing incremental cost associated with further stationary and mobile source emissions reductions in many nonattainment areas, EPA supports and encourages the development of innovative approaches to air quality improvement, including economic incentives, to supplement traditional regulatory programs. *See, e.g.,* ''Guidance on Incorporating

[1] The SJV encompasses over 23,000 square miles and includes all or part of eight counties in California's central valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern.

Voluntary Mobile Source Emission Reduction Programs in State Implementation Plans (SIPs),'' October 24, 1997 (''1997 VMEP''); ''Incorporating Emerging and Voluntary Measures in a State Implementation Plan (SIP),'' September 2004 (''2004 Emerging and Voluntary Measures Guidance''); and ''Guidance on Incorporating Bundled Measures in a State Implementation Plan,'' August 16, 2005 (''2005 Bundled Measures Guidance'').

To qualify for emission reduction credit in a SIP, however, economic incentive programs and other innovative emission reduction control measures must satisfy certain minimum CAA requirements for SIP creditability. *See id.* In prior rulemaking actions on several California SIP submissions, EPA has noted that California's incentive programs would not qualify for SIP emission reduction credit without the requisite demonstration of SIP creditability. *See, e.g.,* 76 FR 69896 at 69915 (November 9, 2011) (final action on SJV $PM_{2.5}$ SIP for 1997 $PM_{2.5}$ NAAQS) and 76 FR 26609 at 26613 (May 9, 2011) (final action on SJVUAPCD Rule 9510, ''Indirect Source Review (ISR)''). The SJVUAPCD's stated intent in adopting Rule 9610 was to establish a regulatory framework to address these requirements for SIP creditability and obtain SIP emission reduction credit for incentive programs implemented in the SJV, including the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), the Proposition 1B: Goods Movement Emission Reduction Program (Prop 1B Program), and the Environmental Quality Incentives Program (EQIP) implemented by the U.S. Department of Agriculture. *See* Rule 9610 Staff Report at 2–13.

The Carl Moyer Program is a California grant program established in 1998 that provides funding to encourage the voluntary purchase of cleaner-than-required engines, equipment, and other emission reduction technologies. *See generally* CARB, ''The Carl Moyer Program Guidelines, Approved Revisions 2011,'' Release Date: February 8, 2013, at Chapter 1 (*available electronically at http://www.arb.ca.gov/msprog/moyer/moyer.htm).* In its first 12 years, the Carl Moyer Program provided over $680 million in state and local funds to reduce air pollution from equipment statewide, *e.g.,* by replacing older trucks with newer, cleaner trucks, retrofitting controls on existing engines, and encouraging the early retirement of older, more polluting vehicles. *Id.*

The Prop 1B Program is a California grant program established in 2007, as a result of State bond funding approved by voters, which provides $1 billion in funding to CARB to reduce air pollution emissions and health risks from freight movement along California's priority trade corridors. Under the enabling legislation (California Senate Bill 88 and Assembly Bill 201 (2007)), CARB awards grants to fund projects proposed by local agencies that are involved in freight movement or air quality improvements associated with goods movement activities. Upon receipt of such grants, the local agencies are then responsible for providing financial incentives to owners of equipment used in freight movement to upgrade to cleaner technologies, consistent with program guidelines adopted by CARB. *See generally* ''Strategic Growth Plan Bond Accountability, Goods Movement Emission Reduction Program,'' Approved February 27, 2008 (*available electronically at http://www.arb.ca.gov/bonds/gmbond/docs/gm_accountability_with_links_2-27-08.pdf).*

The U.S. Department of Agriculture (USDA) administers the Environmental Quality Incentives Program (EQIP), which Congress established under section 334 of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. 104–12, 16 U.S.C. 3839aa–3839aa–9). USDA has delegated authority to administer the program to the Natural Resources Conservation Service (NRCS). 7 CFR 2.61(a)(13)(viii). The purpose of EQIP is to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits. 16 U.S.C. 3839aa. Through this voluntary program, NRCS assists enrolled agricultural producers in implementing conservation measures on their private land to address soil, water, air, and related natural resources concerns, wildlife habitat, surface and groundwater conservation, and related natural resource concerns. 7 CFR 1466.1(a). The financial and technical assistance provided by NRCS under the program helps producers comply with environmental regulations and enhance agricultural and forested lands in a cost-effective and environmentally beneficial manner. Id. Funding for EQIP is currently authorized by section 2601(a)(5) of the Agricultural Act of 2014 (Pub. L. 113–79, 16 U.S.C. 3841(a)(5).[2]

Since 1992, the District has disbursed over $500 million in incentive funds through the Carl Moyer and Prop 1B programs, which has been matched by over $400 million in cost-sharing investments by participants and has resulted in the retrofit or replacement of hundreds of trucks, buses, tractors, forklifts and other equipment operating in the SJV. *See* 2013 Annual Demonstration Report at 4 and Data Sheet. Similarly, since 2009, NRCS has provided over $105 million in incentive grants through EQIP to replace over one thousand high-emitting pieces of farm equipment in the SJV. *See* Rule 9610 Staff Report at 11 and 2013 Annual Demonstration Report, Appendix B.

II. The State's Submittal

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the SJVUAPCD and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD	9610	State Implementation Plan Credit for Emission Reductions Generated through Incentive Programs.	06/20/13	06/26/13

On December 26, 2013, the submittal for SJVUAPCD Rule 9610 was deemed by operation of law under CAA section 110(k)(1)(B) to meet the minimum completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

Rule 9610 establishes requirements and procedures for the District to quantify, for air quality planning purposes, emission reductions achieved

[2] *See* email dated March 31, 2014, from Stephanie Johnson, USDA Office of General Counsel, to Kerry Drake, EPA Region 9, Air Division, and email dated April 23, 2014, from Joshua Schnell, USDA Office of General Counsel, to Jeanhee Hong, USEPA Region 9, Office of Regional Counsel, RE: ''Summaries of 1619 and EQIP''.

through implementation of incentive programs in the San Joaquin Valley. The stated purpose of the rule is to ''provide an administrative mechanism for the District to receive credit towards State Implementation Plan requirements for emission reductions achieved in the San Joaquin Valley Air Basin through incentive programs administered by'' the District, NRCS, or CARB. Rule 9610, section 1.0; *see also* Rule 9610 Staff Report at 12.

Rule 9610 contains several key components designed to establish a regulatory framework for the District's quantification of emission reductions achieved through incentive programs and to provide opportunities for EPA, CARB, and the public to review and comment on the District's evaluations on an annual basis. First, the rule establishes definitions of key terms that apply to the District's evaluations and actions under Rule 9610, including definitions for the terms ''surplus,'' ''quantifiable,'' ''enforceable,'' and ''permanent.'' *See* Rule 9610, section 2.0. As explained elsewhere in this notice, these terms apply to all discretionary EIPs and innovative measures that are relied on for SIP purposes and are intended to ensure that such programs and measures comply with the Act.

Second, the rule identifies a number of incentive program ''guidelines'' [3] that specify, among other things, the terms and conditions that apply to each grant of incentive funds under three specific incentive funding programs implemented in the SJV: (1) The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is implemented jointly by CARB and the District; (2) the California Proposition 1B Goods Movement Emission Reduction Program (Prop 1B Program), also implemented jointly by CARB and the District; and (3) the Environmental Quality Incentives Program (EQIP), implemented by NRCS. *See* Rule 9610, section 3.1.

Third, the rule contains provisions requiring the District to make publicly available a ''Manual of Procedures'' that identifies each of the incentive program guidelines the District uses to quantify emission reductions under Rule 9610, *i.e.,* any guidelines specifically listed under section 3.1 of the rule and any additional program guidelines not specifically listed that satisfy the conditions in section 3.2. *See* Rule 9610, sections 3.2 and 3.3.

Fourth, the rule contains provisions requiring the District to submit each year to CARB and EPA, following public review, an ''annual demonstration report'' that provides updated information on emission reductions achieved in the SJV through these incentive programs and the District's progress in satisfying related SIP commitments. *See* Rule 9610, section 4.0.

Finally, Rule 9610 specifies minimum requirements that the District must address in each SIP submittal that relies on projections of emission reductions from incentive programs to satisfy CAA requirements. Among other things, each such SIP submittal must contain a demonstration that the applicable incentive program guidelines provide for ''SIP-creditable emission reductions'' (*i.e.,* emission reductions that are surplus, quantifiable, enforceable, and permanent) [4] and must contain an ''enforceable commitment'' on the District's part to track emission reductions on an annual basis and to adopt and submit substitute measures to EPA by a date certain if there is any shortfall in required emission reductions. *See* Rule 9610, section 7.0; *see also* Rule 9610 Staff Report at 23.

In sum, Rule 9610 establishes an administrative mechanism designed to ensure that each SIP submittal in which the District relies upon emission reductions achieved through implementation of incentive programs in the SJV will adequately address the requirements of the Act. The rule does not establish any emission limitation, control measure, or other requirement that applies directly to an emission source (*e.g.,* any farm or truck that is the subject of an incentive grant).[5] As discussed elsewhere in this notice, the requirements and procedures in the rule apply only to the District and lay the groundwork for the District's incorporation of incentive programs into air quality plans going forward. These requirements and procedures would become federally enforceable against the District upon EPA's final approval of the rule into the California SIP.

III. EPA's Evaluation of the State's Submittal

A. SIP Procedural Requirements

Sections 110(a)(2) and 110(l) of the Act require that revisions to a SIP be adopted by the State after reasonable notice and public hearing. EPA has promulgated specific procedural requirements for SIP revisions in 40 CFR part 51, subpart F. These requirements include publication of notices, by prominent advertisement in the relevant geographic area, of a public hearing on the proposed revisions, a public comment period of at least 30 days, and an opportunity for a public hearing.

CARB's June 26, 2013 SIP submittal includes public process documentation for Rule 9610, including documentation of a duly noticed public hearing held by the District on June 20, 2013 on the proposed rule. On June 26, 2013, CARB adopted SJVUAPCD Rule 9610 as a revision to the California SIP and submitted it to EPA for action pursuant to CAA section 110(k) of the Act. We find that the process followed by the SJVUAPCD and CARB in adopting Rule 9610 complies with the procedural requirements for SIP revisions under CAA section 110 and EPA's implementing regulations.

B. EPA Policy on Economic Incentives

The CAA explicitly provides for the use of economic incentives as one tool for states to use to achieve attainment of the NAAQS. *See, e.g.,* CAA section 110(a)(2)(A) (requiring that each SIP ''include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of [the Act]''); *see also* sections 172(c)(6), 183(e)(4). Economic incentive programs (EIPs) use market-based strategies to encourage the reduction of emissions from stationary, area, and/or mobile sources in an efficient manner. EPA has promulgated regulations for statutory EIPs required under section 182(g) of the Act and has issued guidance for discretionary EIPs.[6] *See* 59 FR 16690 (April 7, 1994) (codified at 40 CFR part 51, subpart U) and ''Improving Air Quality with Economic Incentive Programs,'' U.S.

[3] Rule 9610 defines the term ''incentive program guidelines'' as ''administrative procedures, quantification methodologies, eligibility criteria, cost effectiveness criteria, reporting practices, and/or other procedures and methodologies used to implement incentive programs.'' Rule 9610, section 2.15.

[4] Rule 9610 defines the term ''SIP-creditable emission reduction'' to mean ''reductions of emissions achieved through incentive programs that are Surplus, Quantifiable, Enforceable, and Permanent, as those terms are defined in this rule.'' Rule 9610, section 2.25.

[5] Accordingly, Rule 9610 is not intended to implement the reasonably available control technology (RACT) standard or any other control standard under the Act.

[6] A ''discretionary economic incentive program'' is ''any EIP submitted to EPA as an implementation plan revision for purposes other than to comply with the statutory requirements of sections 182(g)(3), 182(g)(5), 187(d)(3), or 187(g) of the Act.'' 40 CFR 51.491.

EPA, Office of Air and Radiation, January 2001 (EPA–452/R–01–001) (''2001 EIP Guidance'').

In light of the increasing incremental cost associated with further stationary and mobile source emissions reductions and the difficulty of identifying such additional sources of emissions reductions in many areas, EPA encourages innovative approaches to generating emissions reductions through EIPs and other nontraditional measures and programs, including ''voluntary'' and ''emerging'' measures. *See generally* 1997 VMEP; ''Guidance on SIP Credits for Emission Reductions from Electric-Sector Energy Efficiency and Renewable Energy Measures,'' August 5, 2004 (''2004 Electric-Sector Guidance''); 2004 Emerging and Voluntary Measures Guidance; 2005 Bundled Measures Guidance; ''Roadmap for Incorporating Energy Efficiency/Renewable Energy Policies and Programs into State and Tribal Implementation Plans,'' July 2012 (''2012 EE/RE Guidance''); and ''Diesel Retrofits: Quantifying and Using Their Emission Benefits in SIPs and Conformity,'' February 2014 (''2014 Diesel Retrofits Guidance''). EPA recognizes, however, that these nontraditional measures raise novel issues related to enforceability and quantification of the associated emission reductions. Accordingly, EPA's policies addressing nontraditional measures provide for some flexibility in meeting established SIP requirements for enforceability and quantification, provided the State takes clear responsibility for ensuring that the emission reductions necessary to meet applicable CAA requirements are achieved. *See, e.g.,* 1997 VMEP at 5–7; 2004 Emerging and Voluntary Measures Guidance at 9; 2005 Bundled Measures Guidance at 7; and 2012 EE/RE Guidance at 37–38.

Importantly, EPA has consistently stated that nontraditional emission reduction measures submitted to satisfy SIP requirements under the Act must be accompanied by appropriate enforceable ''backstop'' commitments from the State to monitor emission reductions achieved and to rectify shortfalls in a timely manner. *See, e.g.,* 1997 VMEP at 4–5; 2004 Emerging and Voluntary Measures Guidance at 8–12; 2005 Bundled Measures Guidance at 7–12; and 2004 Electric-Sector Guidance at 6–7. For example, where a SIP submittal relies on emission reductions achieved through a program dependent on voluntary actions that the State does not directly implement, the State must be obligated to monitor, assess and report on the implementation of the program and the associated emission reductions, and to remedy emission reduction shortfalls in a timely manner should the voluntary measure not achieve the projected emission reductions. *See* 1997 VMEP at 6–7.

We provide below a summary of our evaluation of Rule 9610 and the extent to which the requirements and procedures contained in the rule establish a framework for development of SIP submittals that satisfy the requirements of the Act, as interpreted in EPA policy on discretionary EIPs and other nontraditional emission reduction measures. In addition to reviewing the rule itself, EPA has reviewed several of the incentive program ''guidelines'' identified in the rule and in the District's supporting materials. Although these incentive program guidelines themselves are not part of Rule 9610,[7] EPA has evaluated them as supporting material for the SIP submittal because the quantification protocols and other program requirements specified in these guidelines inform EPA's review of the criteria and procedures set out in Rule 9610. Our Technical Support Document (TSD) contains a more detailed evaluation of the rule and each of the three incentive programs that it addresses, including the applicable guidelines. EPA will review each SIP submittal developed pursuant to Rule 9610 on a case-by-case basis, following notice-and-comment rulemaking, to determine whether the applicable requirements of the Act are met.

1. Programmatic ''Integrity Elements''

Where a State relies upon a discretionary EIP or other nontraditional emission reduction measure in a SIP submittal, EPA evaluates the programmatic elements of the measure to determine whether the resulting emission reductions are *quantifiable, surplus, enforceable and permanent. See, e.g.,* 2001 EIP Guidance at Section 4.1. These four fundamental ''integrity elements,'' which apply to all discretionary EIPs and other innovative measures relied on for SIP purposes, are designed to ensure that such programs and measures satisfy the applicable requirements of the Act. *See, e.g.,* 2001 EIP Guidance at Section 4.1; 1997 VMEP at 6–7; 2004 Emerging and Voluntary Measures Guidance at 3–4; and 2014 Diesel Retrofits Guidance at 27–29. EPA has generally defined the four fundamental integrity elements for discretionary EIPs and other innovative emission reduction programs as follows:

- *Quantifiable:* Emission reductions are quantifiable if they are measured in a reliable manner and can be replicated;
- *Surplus:* Emission reductions are surplus if they are not otherwise required by or assumed in a SIP-related program (*e.g.,* an attainment or reasonable further progress plan or a transportation conformity demonstration), any other adopted State air quality program, a consent decree, or a federal rule designed to reduce emission of a criteria pollutant or its precursors (*e.g.,* a new source performance standard or federal mobile source requirement); additionally, emission reductions are ''surplus'' only for the remaining useful life of the vehicle, engine, or equipment being replaced.
- *Enforceable:* Emission reductions and other required actions are enforceable if they are independently verifiable; program violations are defined; those liable can be identified; the State and EPA may apply penalties and secure appropriate corrective action where applicable; citizens have access to all emissions-related information obtained from participating sources; and the required reductions/actions are practicably enforceable consistent with EPA guidance on practical enforceability.
- *Permanent:* Emission reductions are permanent if the State and EPA can ensure that the reductions occur for as long as they are relied upon in the SIP; the time period that the emission reductions are used in the SIP can be no longer than the remaining useful life of the retrofitted or replaced engine, vehicle, or equipment.

See 2001 EIP Guidance at Section 4.1; 1997 VMEP at 6–7; 2004 Emerging and Voluntary Measures Guidance at 3–4; and 2014 Diesel Retrofits Guidance at 27–29.

Rule 9610 contains specific definitions for each of these terms that are consistent with EPA policy. First, with respect to the term ''quantifiable,'' the rule states that ''emission reductions are quantifiable if they can be reliably determined through the use of well-established, publicly available emission factors and calculation methodologies.'' Rule 9610, section 2.23. This definition ensures that the District will treat as ''quantifiable'' only those emission reductions that can consistently be measured in a reliable manner using widely available methods and assumptions, consistent with EPA's policy definition of this term.

Second, with respect to the term ''surplus,'' Rule 9610 states that

[7] The guidelines themselves are not subject to EPA action under CAA section 110(k) as they are neither contained within Rule 9610 nor incorporated by reference therein, and the State has not separately submitted any of these guidelines for approval into the SIP.

''emission reductions are surplus when they are not otherwise required by any federal, state, or local regulation, or other legal mandate, and are in excess of the baseline emission inventories underlying a SIP attainment demonstration.'' Rule 9610, section 2.27. This definition ensures that the District will treat as ''surplus'' only those emission reductions that are not otherwise required by or assumed in a SIP-related program (*e.g.,* an attainment or reasonable further progress plan or a transportation conformity demonstration), any other adopted State or local regulation, a consent decree, or a federal rule designed to reduce emission of a criteria pollutant or its precursors, consistent with EPA's policy definition of this term.

Third, with respect to the term ''enforceable,'' Rule 9610 states that ''emission reductions are enforceable if the incentive program includes provisions for ensuring the following: [1] The emission reductions are independently and practicably verifiable through inspections, monitoring, and/or other mechanisms; [2] Incentive program violations are defined through legally binding contracts, including identifying the party or parties responsible for ensuring that emission reductions are achieved; [3] Grantees are obligated to provide all records needed to demonstrate that emission reductions are achieved; and [4] The public has access to all emissions-related information for reductions claimed in the annual demonstration report, as outlined in Section 4.0 [of the rule].'' Rule 9610, section 2.8. Consistent with EPA's policy definition of the term ''enforceable,'' this definition ensures that the District will treat as ''enforceable'' only those emission reductions that can, as a practical matter, be independently verified and that result from a program or measure that defines violations clearly, allows for identification of responsible parties, requires grantees to provide all records needed to demonstrate that emission reductions are achieved, and provides for public access to emissions-related information.

Finally, with respect to the term ''permanent,'' Rule 9610 states that ''emission reductions are permanent if actions are taken to physically destroy or permanently disable existing or baseline equipment or vehicles, or to permanently amend practices to ensure the reduction of emissions for the duration of the project life.'' Rule 9610, section 2.18. This definition ensures that the District will treat as ''permanent'' only those emission reductions for which both the State/District and EPA can ensure that the reductions will occur for as long as they are relied upon in the SIP, consistent with EPA's policy definition of this term.

These definitions in Rule 9610 adequately represent the four fundamental ''integrity elements'' that EPA has defined as guidelines for discretionary EIPs and other innovative emission reduction programs. Under Rule 9610, the term ''SIP-creditable emission reductions'' [8] incorporates these integrity elements and is at the core of the key substantive requirements in the rule. For example, sections 3.1 and 3.2 of Rule 9610 require the District to quantify emission reductions in accordance with incentive program guidelines that ''provide for *SIP-creditable emission reductions*''; section 7.0 identifies required SIP elements ''[w]here the District intends to rely on projections of *SIP-creditable emission reductions* under this rule to satisfy a federal Clean Air Act SIP requirement''; and section 4.0 requires the District to ''annually prepare a report that demonstrates the quantity of *SIP-creditable emission reductions.*'' Rule 9610, sections 3.0, 4.0, 7.0. These provisions in Rule 9610 ensure that, in each SIP submittal that relies on an incentive program and in each subsequent annual demonstration report, the District will be obligated to demonstrate that the emission reductions relied upon to satisfy SIP requirements are surplus, quantifiable, enforceable, and permanent.

Rule 9610 does not specify the requirements that govern the incentive programs themselves and instead makes clear that the program ''guidelines,'' which specify (among other things) the terms and conditions that apply to each grant of funds to an owner/operator of an emission source, contain the provisions necessary to determine whether a particular incentive program provides for ''SIP-creditable emission reductions.'' For example, section 3.1 of the rule requires the District to quantify emission reductions in accordance with specified ''incentive program guidelines that provide for SIP-creditable emission reductions,'' and similarly section 3.2 states that the District may quantify emission reductions using other guidelines ''provided the District submits to EPA, pursuant to Section 7.0, a demonstration that each such guideline provides for SIP-creditable emission reductions.'' Rule 9610, sections 3.1 and 3.2. In the TSD accompanying this proposed rule, EPA has evaluated the guidelines listed in section 3.1 of the rule, together with several guidelines listed in the District's ''Manual of Procedures,'' for consistency with the four integrity elements. Although EPA is not proposing to take any particular action on these guidelines,[9] we provide our evaluation of them as a preliminary guide to assist the District in its effort to address CAA requirements in SIP submittals that rely on incentive programs going forward.

Many of the guidelines that we have reviewed establish emission reduction quantification protocols, reporting requirements, administrative procedures, and other requirements that are generally consistent with EPA's recommendations for nontraditional emission reduction programs. EPA will review each SIP submittal developed pursuant to Rule 9610 on a case-by-case basis, following notice-and-comment rulemaking, to determine whether the applicable requirements of the Act are met.

2. Required Components of SIP Submittals

EPA policies identify several key components that should be included in each SIP submittal that relies on an EIP or other innovative emission reduction program, to ensure that the program satisfies the requirements of the Act. First, the SIP submittal should contain a demonstration that the emission reductions resulting from the program are quantifiable, surplus, enforceable and permanent and should include reliable methodologies for quantifying the emission reductions [10]—*i.e.,* assumptions and protocols for measuring emission reductions that can be understood and replicated by different users. *See, e.g.,* 1997 VMEP at 6–9; 2001 EIP Guidance at 34–36 and 61–67; 2004 Emerging and Voluntary Measures Guidance at 2–4; and 2014 Diesel Retrofits Guidance at 27–29; *see also* discussion above in Section III.B.1 (''Programmatic 'integrity elements'''').

Second, the SIP submittal should include enforceable commitments by the State to monitor emission reductions

[8] *See* n. 4, *supra.*

[9] *See* n. 7, *supra.*

[10] To account for uncertainties in the emission reduction estimates, EPA recommends that states apply an appropriate downward ''adjustment'' to calculations of projected emission reductions. *See, e.g.,* 2004 Emerging and Voluntary Measures Guidance at 16 (identifying an assumed discount of 20 percent) and 1997 VMEP at 7. The actual amount of the discount factor should reflect: (1) The degree of uncertainty associated with quantifying the emissions reductions from the measures; (2) the amount of the emissions reductions being credited in the SIP; and (3) the degree of uncertainty associated with verifying the emissions reductions actually achieved by the measure(s). *See* 2005 Bundled Measures Guidance at 16.

achieved and to rectify any shortfall in required emission reductions in a timely manner. *See, e.g.,* 1997 VMEP at 5–7; 2005 Bundled Measures Guidance at 7, 11–12, and 22; and 2014 Diesel Retrofits Guidance at 28, 31–32. EPA policy places clear responsibility on the State to ensure that the emission reductions necessary to meet applicable CAA requirements are achieved. *See id.* To this end, the State's commitment should ensure that any shortfall in required emission reductions will be corrected as soon as possible, and generally no later than 1 year after the State learns of a shortfall. *See* 2005 Bundled Measures Guidance at 11 and 2004 Emerging and Voluntary Measures Guidance at 12. Importantly, however, if the emission reductions from the measure are necessary to show attainment or reasonable further progress (RFP), the deadline for correcting a shortfall cannot extend past the statutory attainment or RFP milestone date for the nonattainment area. *See id.*

Third, the SIP submittal should include documentation that clearly shows how the emission reductions will be addressed in the emissions inventory, RFP plan, and attainment or maintenance plan, as applicable. *See, e.g.,* 1997 VMEP at 8–9 and 2014 Diesel Retrofits Guidance at 27. Such documentation is important for purpose of demonstrating that the program or measure is consistent with SIP attainment, RFP, or maintenance requirements and other applicable requirements of the Act. *See id.* For example, to address potential double-counting of emission reductions, the SIP submittal should explain how the State will ensure that emission reductions already accounted for in the projected ''baseline'' emissions underlying an attainment or RFP demonstration will not also be relied upon for SIP credit in the control strategy. *See* 2005 Bundled Measures Guidance at 24 (''emission reductions are not surplus for [ ] an attainment demonstration if they have already been assumed in that same attainment demonstration'') and 2004 EE/RE Guidance at 13–14 (noting that states may seek SIP credit only for emission reduction measures ''beyond [those] already included in the baseline assumptions'').

Finally, the SIP submittal must demonstrate that the State has adequate funding, personnel, implementation authority, and other resources to implement the program/measure on schedule. *See* CAA section 110(a)(2)(E)(i) (requiring that each SIP provide ''necessary assurances that the State [or local government as appropriate] will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan * * *); *see also* 1997 VMEP at 7; 2005 Bundled Measures Guidance at 22, 26; and 2014 Diesel Retrofits Guidance at 29–30.

Rule 9610 contains several provisions designed to ensure that each SIP submittal in which the District seeks to rely on incentive programs for emission reduction credit will contain the necessary components and supporting documentation described in these policies. First, under section 7.0, each SIP submittal in which the District relies on projected emission reductions from incentive programs must ''contain a demonstration that the applicable incentive program guideline(s) continues to provide for SIP-creditable emission reductions''—*i.e.,* emission reductions that are surplus, quantifiable, enforceable, and permanent.[11] *See* Rule 9610, section 7.0. This demonstration must identify the *specific* guideline(s) applicable to the relevant projects (by title, year, and relevant chapters) and provide the District's rationale for concluding that the identified reductions are ''SIP-creditable emission reductions'' in accordance with the requirements of Rule 9610. EPA expects that the District's integrity demonstration will reflect appropriate adjustments to emission reduction calculations to account for uncertainties in the emission reduction estimates, in particular where the District seeks to rely on incentive programs for larger amounts of SIP credit and/or there is a high degree of uncertainty in the means for verifying the emissions reductions actually achieved. *See* 2005 Bundled Measures Guidance at 16 (''[t]he greater the uncertainty or amount of reductions claimed, the greater the appropriate adjustment factor''). Additionally, consistent with the definition of ''SIP-creditable emission reductions'' in the rule, the demonstration must show that reliance on the identified Carl Moyer Program source categories for SIP emission reduction credit is consistent with SIP attainment, RFP, or maintenance requirements.

For the specific guidelines currently identified in the District's Manual of Procedures (including a number of those listed under section 3.1 of Rule 9610), we expect the District to rely as appropriate on the technical discussion in EPA's TSD, which contains EPA's preliminary assessment of whether the specified guidelines provide for SIP-creditable emission reductions and whether additional documentation is needed to ensure the integrity of the emission reductions. For all other guidelines not specifically addressed in the TSD, EPA commits to work with the District to develop the necessary demonstrations consistent with the requirements of Rule 9610 and the CAA, in the context of specific SIP submittals that rely on emission reductions quantified pursuant to those guidelines.

Second, section 7.0 of Rule 9610 requires that each SIP submittal in which the District relies on projected emission reductions from incentive programs contain an ''enforceable commitment'' that: (1) Identifies incentive program guidelines used to generate projected SIP-creditable emission reductions; (2) identifies emission reductions not to exceed the amount projected to be achieved through the use of secured or reasonably anticipated incentive program funding and the estimated availability of emission reduction projects and willing participants, (3) is specifically adopted by the District as part of the SIP and accounted for in the annual demonstration reports, and (4) states that ''if either the District or EPA finds that there is a SIP shortfall for a particular year, the District will adopt and submit to EPA, by specified dates, substitute rules and measures that will achieve equivalent emission reductions as expeditiously as practicable and no later than any applicable implementation deadline in the [CAA] or EPA's implementing regulations.'' Rule 9610, sections 7.1–7.4; *see also* Rule 9610 Staff Report at 23. To ensure that any necessary substitute measures are implemented by the statutory implementation deadline(s), we note that each SIP commitment should identify specific dates, well in advance of the applicable implementation deadline(s), by when the District will determine whether a SIP shortfall necessitates the development of substitute measures.

Third, each SIP submittal in which the District relies on projected emission reductions from incentive programs must ''identify specific amounts of SIP-creditable emission reductions for a particular year or years in the relevant SIP.'' Rule 9610, section 7.0. For example, if the District intends to seek SIP credit in an ozone attainment plan for NOx emission reductions achieved through the Carl Moyer program, the ozone SIP submittal must specifically identify, among other things, the years for which the District is relying on those NO_X reductions; the amounts of NO_X reductions projected to be achieved in each of those years; the specific source categories relied on to achieve those

[11] *See* n. 4, *supra.*

NO_X reductions; and the specific Carl Moyer Program guidelines applicable to those source categories (identified by title, year, and relevant chapters). Consistent with the definition of ''SIP-creditable emission reductions'' in the rule, the SIP submittal must include a demonstration that reliance on the identified Carl Moyer Program source categories for SIP emission reduction credit is consistent with SIP attainment, RFP, or maintenance requirements for the relevant years (*e.g.,* that there is no double-counting of emission reductions).

Finally, with respect to the required demonstration that the State has adequate funding, personnel, implementation authority, and other resources to implement the program/measure on schedule, this is a statutory requirement that is not specifically addressed by Rule 9610 but nonetheless applies to each SIP submitted by a State. *See* CAA section 110(a)(2)(E)(i). Once the State submits an adequate demonstration that the State and District have adequate personnel, funding, and legal authority to carry out their implementation responsibilities with respect to the relevant incentive programs, we expect that future SIP submittals may rely, as appropriate, on such prior demonstration to satisfy this requirement.

3. Procedures for Public Disclosure of Information

Like all other SIP control measures, discretionary incentive programs and other innovative emission reduction measures relied on for SIP purposes must ensure that EPA and the public have access to emission data in accordance with the requirements of section 114 of the CAA and EPA's implementing regulations in 40 CFR section 2.301. *See, e.g.,* 2001 EIP Guidance at 59, 60 and 2004 Emerging and Voluntary Measures Guidance at 23 (Attachment A). To this end, EPA has recommended that discretionary EIPs contain program components such as the following: (1) Requirements for participants to disclose violations to the responsible state/local agency in an annual certification of compliance or non-compliance; (2) requirements for sources that violate program provisions to notify the affected community of the violations; (3) procedures for the responsible state/local agency to compile these disclosures into an annual comprehensive report on emissions and violations; and (4) procedures to submit these reports to EPA and make them available to the public. *See id.* EPA has also recommended that states disclose information in a manner that is transparent, allowing the public to easily and accurately calculate the emissions of the participating sources or source categories and to adequately assess the effectiveness of the program. *See id.*

Rule 9610 contains several provisions designed to ensure that EPA and the public have access to adequate information regarding the specific incentive programs and associated emission reductions that the District intends to rely upon for SIP purposes. First, under section 3.3 of the rule, the District is required to make publicly available a ''Manual of Procedures'' [12] that includes each of the incentive program guidelines the District uses to quantify emission reductions under Rule 9610, *i.e.,* both those guidelines specifically listed under section 3.1 of the rule and any additional program guidelines not specifically listed that satisfy certain conditions. *See* Rule 9610, section 3.3; *see also* section 3.2 (allowing for use of other guidelines not listed in section 3.1 ''provided the District submits to EPA, pursuant to Section 7.0, a demonstration that each such guideline provides for SIP-creditable emission reductions * * *''). Under subsection 3.3.2, the Manual of Procedures must ''include[ ] a description of how the incentive program guidelines ensure that incentive program emission reductions are SIP-creditable.'' EPA expects that the information in the MOP, together with the project-specific information in the annual demonstration reports, will enable the public to calculate the emission reductions for each project relied upon for emission reduction credit in a SIP.

Second, under section 4.0 of Rule 9610, each year the District must prepare an ''annual demonstration report'' that provides updated information on emission reductions achieved through implementation of incentive programs in the SJV and includes the following: (1) A description of each incentive program guideline used by the District, NRCS, or CARB to implement those programs that the District seeks to rely upon for SIP purposes; (2) information about the types and quantities of emission reductions generated through these programs (*e.g.,* the specific pollutants at issue, the years that the emission reductions occur, the relevant funding amounts, and the project types); (3) adjustments to emission reductions calculated for prior annual demonstration reports, as necessary to reflect updated project information or the adoption of new local, state, or federal requirements; (4) identification of SIP commitments adopted by the District that it has satisfied, in whole or in part, through SIP-creditable emission reductions; (5) specific information concerning each project [13] relied upon for emission reductions (including the unique project identification number, project location, project type, and project life); (6) identification of projects that do not satisfy contractual requirements; and additional project details as necessary to demonstrate that the emission reductions relied upon for SIP purposes are surplus, quantifiable, enforceable, and permanent. *See* Rule 9610, sections 4.0–4.6. Under section 5.0 of Rule 9610, the District must submit this annual demonstration report and information described in section 4.0 of the rule to both CARB and EPA no later than August 31 of each year, after providing an opportunity for public review of a draft report, and the final report must be made publicly available on the District's Web site. *See* Rule 9610, sections 5.1–5.3.

EPA has reviewed the ''2013 Annual Demonstration Report'' [14] submitted by the District as supporting material for Rule 9610 and believes it contains most, though not all, of the information required by Section 4.0 of Rule 9610.[15] To ensure that EPA and other interested parties can track the District's progress

[12] CARB's initial Rule 9610 SIP submittal included a Manual of Procedures dated June 20, 2013, which the District had made publicly available during its rulemaking process. On March 4, 2014, the District submitted a revised and clarified Manual of Procedures. Throughout this proposed rule, references to the Manual of Procedures (or ''MOP'') are to the revised version submitted March 4, 2014 (dated January 31, 2014), which is available in the docket for this rulemaking and online at *http://www.valleyair.org/MOP/mop9610_idx.htm.*

[13] Section 2.19 of Rule 9610 defines the term ''project'' as follows: ''for purposes of this rule, actions taken to reduce emissions through incentive programs, as contracted between the Grantee and the District, NRCS, or CARB using incentive program guidelines at the time of contracting. Such actions include, but are not limited to, replacements, retrofits, new purchases, new practices, and repower.''

[14] CARB's initial Rule 9610 SIP submittal included a ''2013 Annual Demonstration Report'' dated June 20, 2013, which the District had made publicly available (in draft form) during its rulemaking process. On February 20, 2014, the District submitted a revised annual demonstration report containing technical clarifications recommended by EPA. *See* ''2013 Annual Demonstration Report,'' dated January 31, 2014. Throughout this proposed rule, references to the ''2013 Annual Demonstration Report'' are to the revised version dated January 31, 2014. For informational purposes, however, we provide both versions of the report in the docket for this rulemaking.

[15] Our TSD provides a detailed evaluation of the 2013 Annual Demonstration Report and our recommendations for improvement.

in satisfying its SIP commitments, we expect that going forward each annual demonstration report will identify the specific projects (by unique project identification number) that the District has relied upon for emission reduction credit in a particular SIP, including necessary adjustments to emission reduction calculations.[16] *See* Rule 9610, Section 4.3 and Section 4.5. EPA believes that a list of individual projects relied upon for each specific SIP would enable EPA and the public to enforce the District's SIP emission reduction commitments but requests public comment on other possible mechanisms for tracking compliance with SIP commitments through the annual demonstration reports.

Finally, under section 6.1 of Rule 9610, ''[a]ll documents created and/or used in implementing the requirements of Section 4.0 shall be kept and maintained as required by the applicable incentive program guidelines'' and ''shall be made available for public review'' consistent with the requirements of the California Public Records Act and related requirements. *See* Rule 9610, section 6.1. Additionally, the annual demonstration report must include information regarding the process for public review of such records. *See id.* Consistent with this requirement, the 2013 Annual Demonstration Report submitted by the District states that the public may request documents created and/or used in implementing the requirements of Section 4.0 (of Rule 9610) through the District's Public Records Release Request form, which is available on the District Web site. See 2013 Annual Demonstration Report at 8.

Rule 9610 appears to contain one exception to the general public disclosure requirement in section 6.1 that applies only to documents associated with NRCS's implementation of the EQIP program. Section 6.2 of Rule 9610 states that ''[r]ecords related to implementation of the NRCS Program Combustion System Improvement of Mobile Engines incentive program are prohibited from mandatory disclosure, pursuant to the Federal Food Security Act of 1985 (7 U.S.C. 608d(2)).'' We note that 7 U.S.C. section 608d(2) concerns information relating to ''marketing agreements'' and ''marketing order programs'' under the Agricultural Adjustment Act (7 U.S.C. 601 *et. seq.*) and does not apply to the NRCS's implementation of EQIP. The key statutory provision that governs disclosure of information submitted by agricultural producers or owners of agricultural land to participate in EQIP is section 1619 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, 7 U.S.C. 8791).[17] *See* email dated April 23, 2014, from Joshua Schnell, USDA, to Jeanhee Hong, EPA Region 9, RE: ''Summaries of 1619 and EQIP.'' We discuss below this statutory provision and certain information that we understand NRCS may make publicly available consistent with this provision.

Under section 1619 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246, 7 U.S.C. 8791), Congress has prohibited the Secretary of USDA and any officer or employee of USDA from disclosing ''information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in'' a USDA program. 7 U.S.C. 8791. Any contractor or cooperator of the USDA is similarly prohibited from disclosing such information. *Id.* There are several exceptions to this prohibition, including that USDA may disclose information if it is transformed into a statistical or aggregate form without naming any individual owner, operator or producer or a specific data gathering site. *See* email dated March 31, 2014, from Stephanie Johnson, USDA, to Kerry Drake, EPA Region 9, RE: ''Summaries of 1619 and EQIP.''

Taking these statutory prohibitions into account, in March 2014, NRCS, EPA, CARB and the District signed the ''Addendum to the December 2010 Statement of Principles Regarding the Approach to State Implementation Plan Creditability of Agricultural Equipment Replacement Incentive Programs Implemented by the USDA Natural Resources Conservation Service and the San Joaquin Valley Air Pollution Control District'' (''2014 Addendum''). The purpose of the 2014 Addendum is to identify information and documentation that NRCS will, consistent with its statutory responsibilities under 7 U.S.C. 8791, make publicly available to ensure that EPA and the District can carry out their respective implementation responsibilities under the CAA and Rule 9610. Among other things, the 2014 Addendum states that NRCS will provide to EPA and the District an annual report that includes information regarding emission reductions achieved by individual EQIP projects and that will be certified by the NRCS California State Conservationist. We believe the certified annual reports described in the 2014 Addendum, which NRCS has agreed to submit to EPA and the District by March 31 of each year, will provide information adequate to enable the District, EPA, and the public to verify the emissions of participating sources and to adequately assess the effectiveness of the EQIP program.

To avoid confusion, however, EPA strongly recommends that the District revise section 6.2 of Rule 9610 at its earliest opportunity to remove the incorrect reference to 7 U.S.C. section 608d(2) and to provide an accurate description of NRCS's statutory obligations with respect to disclosure of information under 7 U.S.C. section 8791.

Our TSD contains a more detailed discussion of the 2014 Addendum and EPA's understanding of the information-sharing activities that the signatory agencies have agreed to undertake, to enable the public to verify emission reductions relied upon for SIP purposes. *See* TSD at 10–11. Additionally, the TSD contains a more detailed evaluation of both the 2013 Annual Demonstration Report and the Manual of Procedures and provides recommendations for improvement to ensure that these documents provide the information necessary to satisfy CAA requirements concerning public availability of emission data. *See* TSD at 52–55.

4. Provisions To Measure and Track Programmatic Results

EPA recommends that each SIP submittal that relies on an EIP or other innovative emission reduction program contain specific evaluation procedures to retrospectively determine the overall effectiveness of the program and procedures to correct emissions projections as appropriate. *See, e.g.,* 1997 VMEP at 9; 2001 EIP Guidance at 70–76; 2005 Bundled Measures Guidance at 17–20; and 2014 Diesel Retrofits Guidance at 33. For example, EPA recommends that the SIP submittal include a State commitment to conduct program evaluations at least once every 3 years, to determine whether the program is in fact achieving projected emissions benefits; a schedule for submitting the results of these evaluations to EPA, following

[16] The key purpose of the annual demonstration report is to specifically document the District's progress in achieving necessary emission reductions and to enable EPA and citizens to enforce the SIP emission reduction commitments by requesting project-specific documentation. It is not necessary, however, for the list of projects relied on in a particular SIP to be identical from year to year, as the District may appropriately eliminate those projects found to be in violation of contract requirements or otherwise not achieving expected emission reductions. *See* Rule 9610, Section 4.3.

[17] The general Freedom of Information Act exemptions in 5 U.S.C. section 552(b) also apply to EQIP information.

opportunities for public comment; and ''reconciliation procedures'' to correct any differences between forecasted and actual emission reductions. *See id.*

Rule 9610 establishes procedures for the District to annually report on the emission reductions achieved through specified incentive programs and to evaluate programmatic effectiveness on a periodic basis. Specifically, the provisions concerning annual demonstration reports under section 4.0 of the rule contain both substantive and procedural requirements for the District's development and submission of these reports to EPA. *See* discussion above in Section III.B.3 (''Procedures for public disclosure of information''). Additionally, under section 4.7 of the rule, the District is required to ''perform a retrospective assessment of the performance of its incentive program to evaluate overall incentive program performance and develop recommendations for future enhancements to incentive program implementation'' and to include in this assessment ''a summary of the public process to receive comments on the draft [annual demonstration] report, as required by Section 5.0.'' Rule 9610, section 4.7.

EPA supports the District's effort to keep EPA, CARB, and the public informed of its incentive program evaluations on an annual basis through the annual demonstration reports developed pursuant to section 4.0 of Rule 9610. It is not clear, however, what sort of ''retrospective assessment'' the District intends to conduct under section 4.7 of the rule and how this provision differs, if at all, from the requirements of section 4.0. We recommend that the District revise section 4.7 to clarify its procedures for evaluating program performance and whether it will retrospectively assess only those incentive programs that it directly implements, or whether the District will also assess the performance of the EQIP program implemented by NRCS and/or incentive programs implemented by CARB. Our TSD provides more detailed recommendations for these program evaluations. As previously explained, EPA will review each SIP submittal developed pursuant to Rule 9610 on a case-by-case basis, following notice-and-comment rulemaking, to determine whether the applicable requirements of the Act are met.

C. Sections 110(l) and 193 of the Act

Section 110(l) of the CAA prohibits EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and RFP or any other applicable CAA requirement. Rule 9610 does not establish any emission limitation, control measure, or other requirement that applies directly to an emission source or that is necessary to meet CAA requirements. Additionally, the rule does not revise any requirement in the applicable SIP. The requirements and procedures in Rule 9610 apply only to the District and are designed to ensure that each SIP submittal in which the District relies upon emission reductions achieved through incentive programs in the SJV will adequately address the requirements of the Act. Nothing in Rule 9610 supplants the applicable requirements of the CAA.[18] We propose to determine that our approval of Rule 9610 would comply with CAA section 110(l) because the proposed SIP revision would not interfere with the on-going process for ensuring that requirements for attainment of the NAAQS and other CAA provisions are met.

Section 193 of the Act does not apply to this proposed action because Rule 9610 does not modify any SIP-approved control requirement in effect before November 15, 1990.

IV. Proposed Action and Public Comment

Under section 110(k)(3) of the Act, EPA is proposing to fully approve the submitted rule as a revision to the California SIP. We will accept comments from the public on this proposed action until the date noted in the **DATES** section above.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: May 6, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–11481 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

[18] EPA will review each SIP submittal developed pursuant to Rule 9610 on a case-by-case basis, following notice-and-comment rulemaking, to determine whether the applicable requirements of the Act are met.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0317; FRL–9911–02–Region–9]

Approval and Promulgation of State Implementation Plans; Hawaii; Infrastructure Requirements for the 2008 8-Hour Ozone and the 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) revision submitted by the State of Hawaii on April 04, 2014, pursuant to the requirements of the Clean Air Act (CAA or the Act) for the 2008 8-Hour Ozone and the 2010 Nitrogen Dioxide national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA. We are taking comments on this proposal and plan to follow with a final action.

DATES: Written comments must be received on or before June 18, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R09–OAR–2014–0317, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: richmond.dawn@epa.gov.*
3. *Fax:* 415–947–3579.
4. *Mail or deliver:* Dawn Richmond, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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.

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

FOR FURTHER INFORMATION CONTACT: Dawn Richmond, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3207, *richmond.dawn@epa.gov.*

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

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I. Background

A. Statutory Framework

Section 110(a)(1) of the CAA requires states to make a SIP submission within 3 years after the promulgation of a new or revised primary NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must include. Many of the section 110(a)(2) SIP elements relate to the general information and authorities that constitute the ''infrastructure'' of a state's air quality management program and SIP submittals that address these requirements are referred to as ''infrastructure SIPs.'' These infrastructure SIP elements are as follows:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C): Program for enforcement of control measures and regulation of new stationary sources.
- Section 110(a)(2)(D)(i): Interstate pollution transport.
- Section 110(a)(2)(D)(ii): Interstate and international pollution abatement.
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J): Consultation with government officials, public notification, and prevention of significant deterioration (PSD) and visibility protection.
- Section 110(a)(2)(K): Air quality modeling and submission of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submission deadline of section 110(a)(1) and are therefore not addressed in this action. These elements relate to part D of title I of the CAA, and submissions to satisfy them are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the same time nonattainment area plan requirements are due under section 172. The two elements are: (1) Section 110(a)(2)(C) to the extent it refers to permit programs required under part D (nonattainment New Source Review (NSR)), and (2) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure elements related to the nonattainment NSR portion of section 110(a)(2)(C) or related to section 110(a)(2)(I).

B. Regulatory Background

On March 12, 2008, EPA issued a revised NAAQS for ozone.[1] On January 22, 2010, EPA issued a revised NAAQS for nitrogen dioxide.[2] These revisions to

[1] 73 FR 16436 (March 27, 2008). EPA revised the previous 8-hour primary ozone standard of 0.08 parts per million (ppm) to 0.075 ppm. EPA also revised the secondary 8-hour standard to the level of 0.075 ppm making it identical to the revised primary standard. In September 2009, EPA announced it would reconsider the 2008 8-hour ozone NAAQS. However, in September 2011, EPA announced its decision to merge the reconsideration of the 2008 NAAQS with the next scheduled 5-year review of the ozone NAAQS, and advised the states that the 2008 NAAQS would be implemented.

[2] 75 FR 6474 (February 9, 2010). EPA established a 1-hour standard of 100 parts per billion (ppb), based on the 3-year average of the 98th percentile

Continued

the ozone and nitrogen dioxide NAAQS, triggered requirements for states to submit infrastructure SIPs to address the applicable requirements of section 110(a)(2) within three years of issuance of each of these revised NAAQS.

On January 15, 2013, EPA found that Hawaii had failed to make a submittal for the 2008 ozone NAAQS to satisfy the requirements of section 110(a)(2)(A), (B), (C) to the extent it refers to enforcement, to permitting programs for minor sources and to PSD permitting programs required by part C of title I of the CAA, 110(a)(2)(D)(i)(II), 110(a)(2)(D)(ii), 110(a)(2)(E) through (H) and 110(a)(2)(J) through (M).[3] We explained that ''sections 110(a)(2)(C), (D)(i)(II), (D)(ii) and (J) (in all four subsections for the PSD-related and notification-related requirements only) are already addressed for Hawaii through an existing PSD FIP that remains in place. Therefore, this action will not trigger any additional FIP obligations with respect to the PSD-related and notification-related requirements in these four subsections.'' [4]

We also explained that we were not issuing findings of failure to submit a SIP addressing section 110(a)(2)(D)(i)(I) of the CAA, due to the D.C. Circuit's recent opinion in *EME Homer City Generation* v. *EPA,* 696 F.3d 7, 31 (D.C. Cir. 2012).

II. EPA's Approach to the Review of Infrastructure SIP Submissions

EPA is acting upon the SIP submission from Hawaii that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 8-Hour Ozone and the 2010 Nitrogen Dioxide NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[5] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[6] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[7] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[8]

of the yearly distribution of 1-hour daily maximum concentrations, to supplement the existing annual standard. EPA set the annual NO_2 standard to 0.053 ppm.

[3] 78 FR 2882.

[4] Id. at 2889.

[5] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[6] See, e.g., ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[7] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, e.g., that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[8] See, e.g., ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR

Similarly, EPA interprets the CAA to allow EPA to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[9]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[10]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of sections 110(a)(1) and 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of sections 110(a)(1) and 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[11] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[12] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions.[13] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

As an example, section 110(a)(2)(E)(ii) is a required element of section 110(a)(2) for infrastructure SIP submissions. Under this element, a state must meet the substantive requirements of section 128, which pertain to state boards that approve permits or enforcement orders and heads of executive agencies with similar powers. Thus, EPA reviews infrastructure SIP submissions to ensure that the state's SIP appropriately addresses the requirements of section 110(a)(2)(E)(ii) and section 128. The 2013 Guidance explains EPA's interpretation that there may be a variety of ways by which states can appropriately address these substantive statutory requirements, depending on the structure of an individual state's permitting or enforcement program (*e.g.,* whether permits and enforcement orders are approved by a multi-member board or by a head of an executive agency). However they are addressed by the state, the substantive requirements of section 128 are necessarily included in EPA's evaluation of infrastructure SIP submissions because section 110(a)(2)(E)(ii) explicitly requires that the state satisfy the provisions of section 128.

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C),

rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337, January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[9] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[10] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[11] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[12] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' Memorandum from Stephen D. Page, September 13, 2013.

[13] EPA's September 13, 2013, guidance did not make recommendations with respect to infrastructure SIP submissions to address section 110(a)(2)(D)(i)(I). EPA issued the guidance shortly after the U.S. Supreme Court agreed to review the D.C. Circuit decision in *EME Homer City,* 696 F.3d7 (D.C. Cir. 2012) which had interpreted the requirements of section 110(a)(2)(D)(i)(I). In light of the uncertainty created by ongoing litigation, EPA elected not to provide additional guidance on the requirements of section 110(a)(2)(D)(i)(I) at that time. As the guidance is neither binding nor required by statute, whether EPA elects to provide guidance on a particular section has no impact on a state's CAA obligations.

110(a)(2)(D)(i)(II), and 110(a)(2)(J) focuses upon the structural PSD program requirements contained in part C and EPA's PSD regulations. Structural PSD program requirements include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including GHGs. By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

For other section 110(a)(2) elements, however, EPA's review of a state's infrastructure SIP submission focuses on assuring that the state's SIP meets basic structural requirements. For example, section 110(a)(2)(C) includes, *inter alia,* the requirement that states have a program to regulate minor new sources. Thus, EPA evaluates whether the state has an EPA-approved minor new source review program and whether the program addresses the pollutants relevant to that NAAQS. In the context of acting on an infrastructure SIP submission, however, EPA does not think it is necessary to conduct a review of each and every provision of a state's existing minor source program (*i.e.,* already in the existing SIP) for compliance with the requirements of the CAA and EPA's regulations that pertain to such programs.

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible deficiencies in a state's existing SIP. These issues include: (1) Existing provisions related to excess emissions from sources during periods of startup, shutdown, or malfunction that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); (2) existing provisions related to ''director's variance'' or ''director's discretion'' that may be contrary to the CAA because they purport to allow revisions to SIP-approved emissions limits while limiting public process or not requiring further approval by EPA; and (3) existing provisions for PSD programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Thus, EPA believes it may approve an infrastructure SIP submission without scrutinizing the totality of the existing SIP for such potentially deficient provisions and may approve the submission even if it is aware of such existing provisions.[14] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

For example, EPA's 2013 Guidance gives simpler recommendations with respect to carbon monoxide than other NAAQS pollutants to meet the visibility requirements of section 110(a)(2)(D)(i)(II), because carbon monoxide does not affect visibility. As a result, an infrastructure SIP submission for any future new or revised NAAQS for carbon monoxide need only state this fact in order to address the visibility prong of section 110(a)(2)(D)(i)(II).

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[15] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[16] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[17]

[14] By contrast, EPA notes that if a state were to include a new provision in an infrastructure SIP submission that contained a legal deficiency, such as a new exemption for excess emissions during SSM events, then EPA would need to evaluate that provision for compliance against the rubric of applicable CAA requirements in the context of the action on the infrastructure SIP.

[15] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 76 FR 21639 (April 18, 2011).

[16] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, e.g., 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[17] See, e.g., EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). See, e.g., 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

III. State Submittal and EPA Action

On April 4, 2014, the Hawaii Department of Health (HDOH) submitted the ''Hawaii State Implementation Plan Revision for 2008 Ozone and 2010 Nitrogen Dioxide National Ambient Air Quality Standard Clean Air Act section 110(a)(1) & (2)'' (Hawaii Ozone and Nitrogen Dioxide Infrastructure SIP), which includes (1) a ''Proposed Certification of Adequacy Table'' (Attachment 1), (2) a ''Proposed List of Revisions to Regulatory and Statutory Provisions in the Hawaii State Implementation Plan'' (Attachment 2); (3) Summary of Public Participation Proceedings (Attachment 3); (4) Hawaii Revised Statutes Title 19, Health Chapter 342B, Air Pollution Control Sections 4 and 5 (Appendix A); (5) Hawaii Administrative Rules, Chapter 11–60.1, Section 31(Appendix B); and (6) other supporting materials.[18]

On April 21, 2014, EPA determined that the SIP revision was complete, except for the following sub-elements: 110(a)(2)(C) sub-element 3 (preconstruction PSD permitting of major sources); 110(a)(2)(D); and 110(a)(2)(J) sub-elements 1 (consultation with identified officials on certain air agency actions) and 3 (PSD).

IV. EPA's Evaluation and Proposed Action

EPA has evaluated the Hawaii Ozone and Nitrogen Dioxide Infrastructure SIP in relation to the infrastructure SIP requirements of CAA section 110(a)(2) and the applicable implementing regulations in 40 CFR part 51. The Technical Support Document (TSD) for this action, which is available in the docket to this action, includes our evaluation for each element, as well as our evaluation of various statutory and regulatory provisions. In particular, we evaluated Hawaii Administrative Rules (HAR) section 11–60.1–31 Hawaii Revised Statutes (HRS) sections 342B–4 342B–5 for approval into the Hawaii SIP and HRS sections 342–14, 342–18 and 342–19 for removal from the SIP.

Based upon this analysis, EPA proposes to approve HAR section 11–60.1–31 and HRS sections 342B–4 and 342B–5 into the Hawaii SIP and to remove HRS sections 342–14, 342–18 and 342–19 from the SIP. We also propose to approve the Hawaii Ozone and Nitrogen Dioxide Infrastructure SIP with respect to the following CAA requirements:

- Section 110(a)(2)(A): Emission limits and other control measures.
- Section 110(a)(2)(B): Ambient air quality monitoring/data system.
- Section 110(a)(2)(C) (in part): Program for enforcement of control measures and regulation of new stationary sources (minor NSR program).
- Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- Section 110(a)(2)(F): Stationary source monitoring and reporting.
- Section 110(a)(2)(G): Emergency episodes.
- Section 110(a)(2)(H): SIP revisions.
- Section 110(a)(2)(J) (in part): Public notification (sub-element 2).
- Section 110(a)(2)(K): Air quality modeling and submission of modeling data.
- Section 110(a)(2)(L): Permitting fees.
- Section 110(a)(2)(M): Consultation/participation by affected local entities.

As explained above, we previously found the Hawaii Ozone and Nitrogen Dioxide Infrastructure SIP incomplete with respect to various sub-elements. Where EPA determines that a portion of a SIP submission is incomplete, ''the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof.)''[19] Accordingly, we are not proposing to act on the Hawaii Ozone and Nitrogen Dioxide Infrastructure SIP with respect to 110(a)(2)(C) sub-element 3 (preconstruction PSD permitting of major sources); 110(a)(2)(D) all sub-elements; and 110(a)(2)(J) sub-elements 1 (consultation with identified officials on certain air agency actions) and 3 (PSD).

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 25, 2014.

Jared Blumenfeld,

Regional Administrator, EPA Region 9.

[FR Doc. 2014–11432 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

[18] A copy of the complete Hawaii ozone and nitrogen dioxide Infrastructure SIP submittal has been placed in the docket for this action and is available online at *http://www.regulations.gov,* docket number EPA–R09–OAR–2014–0317.

[19] CAA section 110(k)(1)(C).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[EPA–HQ–OPPT–2011–1019; FRL–9909–13]

RIN 2070–AJ93

Hydraulic Fracturing Chemicals and Mixtures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In its response to a citizen petition submitted under section 21 of the Toxic Substances Control Act (TSCA), EPA indicated that as a first step, it would convene a stakeholder process to develop an approach to obtain information on chemical substances and mixtures used in hydraulic fracturing. To gather information to inform EPA's proposal, the Agency is issuing this advance notice of proposed rulemaking (ANPR) and initiating a public participation process to seek comment on the information that should be reported or disclosed for hydraulic fracturing chemical substances and mixtures and the mechanism for obtaining this information. This mechanism could be regulatory (under TSCA section 8(a) and/or section 8(d)), voluntary, or a combination of both and could include best management practices, third-party certification and collection, and incentives for disclosure of this information. In addition, the Agency is seeking comment on ways of minimizing reporting burdens and costs and of avoiding the duplication of state and other federal agency information collections, while at the same time maximizing data available for EPA risk characterization, external transparency, and public understanding. Also, EPA is soliciting comments on incentives and recognition programs that could be used to support the development and use of safer chemicals in hydraulic fracturing.

DATES: Comments must be received on or before August 18, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2011–1019, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Mark Seltzer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–2901; email address: *seltzer.mark@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action, however, may be of interest to you if you manufacture (including import), process, or distribute chemical substances or mixtures (Ref. 1) used in any type or method of hydraulic fracturing. This may include businesses that fall under North American Industry Classification System (NAICS) codes 2111 (oil and gas extraction) and/or 2131 (support activities for mining). EPA anticipates that this ANPR may also be of interest to states, tribes, and other industries. Since additional entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action.

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

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

2. *Tips for preparing your comments.* When submitting comments, remember to:

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

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

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

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

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced. Likewise, if you estimate the universe of affected reporters, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

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

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

II. Background

EPA received a petition from Earthjustice and 114 other groups on August 4, 2011, requesting that EPA issue TSCA section 4 and TSCA section 8 rules requiring toxicity testing of chemicals and mixtures used in oil and gas exploration and production; reporting to EPA, among other things, the identity of those chemicals and mixtures; and submitting to EPA health and safety studies on the chemicals and mixtures (Ref. 2). On November 2, 2011, EPA provided an initial response to the petition (Ref. 3). In that response, EPA denied the TSCA section 4 request for issuance of a test rule because the petition did not set forth sufficient facts to conclude that it was ''necessary to issue'' the requested TSCA section 4 rule, as required by TSCA section 21(b)(1). On November 23, 2011, EPA granted in part and denied in part the TSCA section 8(a) and section 8(d) requests by limiting the scope from chemicals and mixtures used in all processes of oil and gas exploration and production to chemical substances and mixtures used in hydraulic fracturing

(Refs. 4 and 5). EPA published a document with the Agency's rationale for its response to the petition in the **Federal Register** of July 11, 2013 (Ref. 5). To facilitate public comment, the Agency stated its intent to publish an ANPR to identify key issues for further discussion and analysis.

EPA maintains continuing coordination with its Federal partners in planning information reporting rules that will complement the Bureau of Land Management's (BLM) proposed regulation: Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands (78 FR 31636, May 24, 2013). BLM subsequently issued a supplemental proposal and extension of comment period for that proposed rule (78 FR 34611, June 10, 2013). The intent of these dialogues is to ensure both EPA's and BLM's efforts provide useful information for assessment and disclosure purposes, while not overly burdening reporting entities.

A. What action is the Agency taking?

With this ANPR, EPA is initiating a stakeholder process to request input on various aspects of obtaining information on chemical substances and mixtures used in hydraulic fracturing for oil and gas exploration and production to further the purposes of TSCA (TSCA section 2 sets forth the findings, policy, and intent of Congress in enacting TSCA) and other federal government objectives that can be informed through this process. As part of this effort, EPA seeks input on appropriate disclosure to ensure that information about the chemicals and mixtures used in hydraulic fracturing activities is provided to the public in a transparent fashion. These activities include the injection of water, chemicals, proppant, and/or tracers to prepare geologic formations for hydraulic fracturing, complete a hydraulic fracturing stimulation stage, evaluate the extent of resulting fractures, or ensure future ability to continue enhancement of production through stimulation by hydraulic fracturing. During each hydraulic fracturing stimulation stage, pressurized fluids containing carrier fluids such as water or gas and any combination of proppant and chemicals are injected into wells to fracture portions of the formation surrounding a selected well section. As discussed in more detail in Unit IV., EPA is requesting comment on the information that should be obtained or disclosed and the mechanism for obtaining or disclosing this information about chemicals and mixtures used in hydraulic fracturing. This mechanism could be regulatory (under TSCA section 8(a) and/or section 8(d)), voluntary (e.g., under the Pollution Prevention Act (PPA) (42 U.S.C. 13101 *et seq.*)), or a combination of both. EPA is also seeking comment on best management practices for the generation, collection, reporting and/or disclosure of public health and environmental information from or by companies that manufacture, process, or use chemical substances or mixtures in hydraulic fracturing activities—that is, practices or operations that can be implemented and verified toward achieving protection of public health and the environment—and whether voluntary third-party certification, and incentives for disclosure could be valuable tools for improving chemical safety. In addition, the Agency is seeking comment on ways to minimize reporting burdens and costs, avoid duplication of efforts, and maximize transparency and public understanding. Finally, EPA is soliciting comments on incentives and recognition programs that could be used to support the development and use of safer chemicals in hydraulic fracturing.

B. What is the Agency's authority for this action?

TSCA section 8(a) (15 U.S.C. 2607(a)) authorizes EPA to promulgate rules under which manufacturers (including importers) and processors of chemical substances must maintain records and submit information as the EPA Administrator may reasonably require. TSCA section 8(a) also authorizes EPA to promulgate rules under which manufacturers and processors of mixtures must maintain records and submit information to the extent the EPA Administrator determines the maintenance of records or submission of reports, or both, is necessary for the effective enforcement of TSCA. TSCA section 8(a) generally excludes small manufacturers and processors of chemical substances or mixtures from the reporting requirements (see 15 U.S.C. 2507(a)). This general exclusion has been codified at 40 CFR 704.5 and 712.25. However, EPA is authorized by TSCA section 8(a)(3)(A)(ii) to require TSCA section 8(a) reporting from small manufacturers and processors with respect to any chemical substance or mixture that is the subject of a rule proposed or promulgated under TSCA section 4, 5(b)(4), or 6, or that is the subject of an order in effect under TSCA section 5(e), or that is the subject of relief granted pursuant to a civil action under TSCA section 5 or 7. TSCA section 8(a) also notes that, to the extent feasible, the EPA Administrator must not require reporting under TSCA section 8(a)(1) that is unnecessary or duplicative.

TSCA section 8(d) (15 U.S.C. 2607(d)) authorizes EPA to require the submission of lists of health and safety studies conducted or initiated by or for, or known to or reasonably ascertainable by manufacturers, processors, and distributors of (and any person who proposes to manufacture, process, or distribute) any chemical substance or mixture. Certain types or categories of studies may be excluded ''if the Administrator finds that submission of lists of such studies are unnecessary to carry out the purposes of [TSCA]'' (see TSCA section 8(d)(1)). TSCA section 8(d) also authorizes EPA to require the submission of copies of studies on these lists or copies of studies that are otherwise known by the person submitting the list.

The Pollution Prevention Act (PPA) (42 U.S.C. 13101 *et seq.*) makes pollution prevention the national policy of the United States. The PPA identifies an environmental management hierarchy in which pollution ''should be prevented or reduced whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or release into the environment should be employed only as a last resort . . .'' (42 U.S.C. 13103). Among other requirements, the PPA directs EPA to develop improved methods of coordinating, streamlining and assuring public access to data collected under Federal environmental statutes; facilitate the adoption of source-reduction techniques by businesses; and establish an annual awards program to recognize a company or companies that operate outstanding or innovative source reduction programs.

III. Overview of Information Collection Authority Under Sections 8(a) and 8(d) of TSCA

A. TSCA Section 8(a)

TSCA section 8(a) gives EPA authority to require, by rulemaking, chemical manufacturers and processors to maintain records and submit to EPA such reports as EPA may reasonably require, including reports concerning the following, insofar as it is known to or reasonably ascertainable by the person making the report:

- The common or trade name, the chemical identity, and the molecular structure of each chemical substance or

mixture for which such a report is required.

- The categories or proposed categories of use of each chemical substance or mixture.
- The total amount of each chemical substance or mixture manufactured or processed, reasonable estimates of the total amount to be manufactured or processed, the amount manufactured or processed for each of its categories of use, and reasonable estimates of the amount to be manufactured or processed for each of its categories of use or proposed categories of use.
- A description of the byproducts resulting from the manufacture, processing, use, or disposal of each chemical substance or mixture.
- All existing data concerning the environmental and health effects of each chemical substance or mixture.
- The number of individuals exposed, and reasonable estimates of the number who will be exposed, to each chemical substance or mixture in their places of employment and the duration of such exposure.
- The manner or method of disposal of each chemical substance or mixture, and any subsequent changes to such manner or method.

B. TSCA Section 8(d)

TSCA section 8(d) authorizes EPA to require manufacturers, processors, and distributors of any chemical substance or mixture and persons who propose to manufacture, process, or distribute in commerce any chemical substance or mixture to submit health and safety studies to EPA. Examples of health and safety studies can be found in 40 CFR 716.3, and include:

- Epidemiological or clinical studies.
- Studies of occupational exposure.
- Health effects studies.
- Ecological effects studies.
- Assessments of environmental exposure.
- Environmental fate studies.
- Health and safety studies related to surface or ground water sampling and analyses that are aggregated and analyzed to measure exposure.

IV. Request for Comment

EPA is requesting comment on the design and scope of potential regulatory or voluntary approaches, or combination of both approaches, to obtain information on chemical substances and mixtures used in hydraulic fracturing. EPA invites comments on all aspects of this ANPR, including the description of hydraulic fracturing activities presented in Unit II.A. Comments should provide enough detail and contain sufficient supporting information in order for the Agency to understand the issues raised and give them the fullest consideration. Comments should include alternatives, rationales, benefits, technological and economic feasibility (including costs), and supporting data. Supporting information should include any information that substantiates your conclusions and recommendations, including, but not limited to: Experiences, data, analyses, studies and articles, and standard professional practices. If referring to a particular well site as an example, please identify the company name of the well site operator, well name, latitude and longitude coordinates and American Petroleum Institute (API) identification number, if available.

A. Overall Approach To Reporting and Disclosure of Chemical Substances and Mixtures Used in Hydraulic Fracturing

In this ANPR, EPA is seeking comment on what information should be reported to EPA (or through a CBI cleared third-party certifier) or disclosed publically (by EPA) regarding the identity, quantities, types and circumstances of uses of chemical substances and mixtures used in hydraulic fracturing, as well as what types of health and safety studies should be reported or disclosed. EPA is seeking comment on whether and how data that are claimed to be trade secrets, or CBI, could be reported to EPA (or a third-party certifier) and then aggregated and disclosed while protecting the identities of individual products and firms. EPA is also requesting comment on the appropriate mix of voluntary disclosure and/or regulatory reporting mechanisms. The specific types of information that could be reported or disclosed are discussed in Units IV.C. and IV.G. It should be noted that TSCA section 8(e) requires manufacturers, importers, processors, and distributors to provide EPA with information on any of their chemical substances or mixtures that reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment.

EPA is requesting comment on the following questions:

1. Should all information be required to be reported or should there be a voluntary mechanism for some or all information?

2. Would a combination of mandatory reporting and voluntary disclosure be effective? If so, what would that combination consist of? Why?

3. What types of information, if any, should be required to be reported? Why?

4. How could any required reporting activities be designed to better facilitate compliance?

5. What types of information, if any, should be reported and/or disclosed voluntarily? Why?

6. What are the best management practices for the generation, collection, reporting and/or disclosure of information from or by companies?

7. Are there particular systems in place that already use these best management practices? Please identify these systems.

8. To what extent are these best management practices widely adopted? Please provide evidence regarding the extent of use of best management practices.

9. How could incentives be structured to ensure effective voluntary disclosure of information on chemical substances and mixtures used in hydraulic fracturing?

10. Are there incentives that could be used in combination with regulatory requirements for information disclosure to promote practices that go beyond compliance (e.g., incentives that encourage reporting in addition to that required by regulation)?

11. What information collection tools and resources are available to support and promote safer chemical use and other sustainable practices (e.g., some form of cradle-to-grave chemical management)? Please explain.

12. What factors should be considered for distinguishing among different types of companies for the purpose of incentives?

13. What information collection tools and resources are available to support, incentivize, and promote safe and sustainable practices? Please explain.

14. How could collected information be used to better inform safe and sustainable practices? For example, would providing information or guidance on improved chemical use across different types of firms involved in hydraulic fracturing better inform safe and sustainable practices?

15. What mechanisms could be developed to make information that is reported to EPA publically disclosed and available?

16. How could information reported and/or disclosed under any such mechanism be used to better inform research and development of chemical substances and mixtures used in hydraulic fracturing?

B. Who should report or disclose information on chemical substances and mixtures used in hydraulic fracturing?

TSCA section 8(a) gives EPA authority to require, by rulemaking, chemical manufacturers and processors to maintain records and submit to EPA reports about chemical substances and mixtures, as well as environmental and health data on those substances and mixtures. The hydraulic fracturing industry includes a variety of companies that could be subject to reporting under TSCA section 8(a). These companies could include chemical manufacturers, chemical suppliers who engage in processing, service providers mixing chemicals on site to create the hydraulic fracturing fluids, and service providers responsible for injecting the hydraulic fracturing fluid into the well to fracture the formation. EPA is requesting comment on whether, in the context of a potential reporting and/or disclosure program, all or any companies should be required to report or whether a specific type or types of company (e.g., chemical supplier) should be required to report and other types (e.g., service provider) be encouraged to report voluntarily.

1. If any companies are required to report, should different types of companies be required to report different data elements? Please explain.

2. Should manufacturers (including importers), processors, or both be required to report under TSCA section 8(a)? Why or why not?

3. Are there additional NAICS codes in addition to 2111 (oil and gas extraction) and 2131 (support activities for mining) that would need to be included in order to cover chemical manufacturers (including importers) and processors in a potential reporting and/or disclosure program?

4. In what ways do the responsibilities of manufacturers and processors (Ref. 6) overlap? What activities associated with hydraulic fracturing are carried out by the well operator at the well site? EPA understands that service providers or well operators often process chemicals at the drilling site.

5. Would manufacturers (including importers), service providers, well operators, or all three, know how a chemical substance or mixture is used at well sites? If all types of firms have this information, which type, if any, should be required to report? If neither well operators, nor service providers, nor manufacturers (including anyone who imports chemicals or otherwise undertakes activities that meet the definition of ''manufacture'' at 40 CFR 704.3) know how a chemical is used at well sites, who would know and how might that information be obtained?

6. If voluntary mechanisms are used for obtaining information, what mechanisms (e.g., incentive programs) should EPA consider in order to encourage consistent reporting and/or disclosure from different types of companies? Would some mechanisms be more effective for one type of company than another?

7. Should there be different incentives for different types of companies (e.g., manufacturers vs. processors)?

8. What information collection tools and resources are available to support and promote safe and sustainable practices? Please explain.

C. Scope of Reporting or Disclosure of Information on Chemical Substances and Mixtures Used in Hydraulic Fracturing

In this ANPR, EPA is seeking comment on the information that should be reported or disclosed regarding chemical substances and mixtures used in hydraulic fracturing. EPA is exploring various regulatory approaches, voluntary approaches or a combination of both for obtaining this information.

As described in Unit III.A., TSCA section 8(a) gives EPA authority to require, by rulemaking, chemical manufacturers and processors to maintain records and submit to EPA such reports as EPA may reasonably require. EPA expects that data obtained could be aggregated to provide a national list of the chemical substances and mixtures used in hydraulic fracturing, providing the Agency with the ability to determine which chemicals are used most frequently. For chemicals that have not been previously well-characterized in terms of their chemical, physical, and toxicological properties, EPA may conduct research to better understand these properties in order to perform a basic risk characterization. Information that could be required from manufacturers (including importers) and processors under a potential reporting program could include:

1. Basic company information (i.e., company name, mailing address, Web site, and technical contact information).

2. Steps involved in processing chemicals or mixtures on site before injection. Typical composition and performance standard of hydraulic fracturing fluid as an end use product, before injection.

3. Steps involved in processing chemicals or mixtures for reuse, recycling, and/or reprocessing in the hydraulic fracturing operation.

4. Hydraulic fracturing fluid composition:

i. Common name or trade name of each chemical product in the hydraulic fracturing fluid and a description of each product's function.

ii. Chemical identity (chemical name and Chemical Abstracts Service Registry Number) of each chemical substance in each product.

iii. Total volume of the carrier fluid and percentage of the carrier fluid that makes up the total hydraulic fracturing fluid (e.g., water volume and percentage of water in the hydraulic fracturing fluid).

iv. Actual amount of each chemical substance or product in the hydraulic fracturing fluid in order to understand the loading (e.g., mass or volume).

5. Production type (i.e., gas and/or oil).

6. Frequency of use of the chemical substance or mixture for hydraulic fracturing (e.g., number of times or per fracture stage or number of wells).

7. Number of workers exposed or likely to be exposed to the chemical substance or mixture.

8. All existing data concerning the human and environmental health effects of the chemical substance or mixture.

9. Some chemical substances and mixtures used in hydraulic fracturing may react to create other chemical substances and mixtures as products within an on-site mixing apparatus or in the well that is being fractured. EPA is requesting comments on which reporting elements should be included:

i. If EPA were to require reporting, how should EPA address chemical substances and mixtures which are formed on site? Why?

ii. Is there other information obtainable under TSCA section 8(a) that should be included in a proposed TSCA section 8(a) rule? What are the chemical safety benefits (e.g., potential reduction of risk to human health and environment) of obtaining this information? Explain.

iii. Should EPA consider including reporting on any combination of water and/or chemicals introduced or intended to be introduced into an oil or gas well for the purpose of maintaining or improving the function and productivity of the well, including recovery methods, (e.g., acid treatments, corrosion inhibitors, scale reducers, biocides)? Why or why not? EPA is interested in information regarding the frequency, duration, concentration, and volume of use of such chemicals or chemical mixtures to enhance the Agency's understanding of well

maintenance practices, in order to evaluate the need for additional disclosure.

10. While EPA could require manufacturers and processors to report this information, the Agency could also encourage companies engaged in hydraulic fracturing to voluntarily disclose it. EPA is requesting comments on reporting elements which should be included:

i. Which elements (as discussed earlier in Unit IV.C.), if any, may benefit from being proposed as part of a TSCA section 8(a) rule? Which elements, if any, may benefit better from being reported and/or disclosed under a voluntary program?

ii. Are there data elements (from those discussed earlier in Unit IV.C.) for which a hybridized reporting and/or disclosure system (e.g., some regulatory elements, some voluntary elements) would be more efficient or beneficial?

D. Use of Third-Parties

EPA is requesting comments on the use of third-parties for the collection of information on chemical substances used in hydraulic fracturing and/or to certify the use of best practices.

1. Should EPA consider implementing third-party certification (for certifying reporting, practices and other aspects) and/or third-party collection of information about hydraulic fracturing operations in addition to or in lieu of a mandatory reporting or voluntary disclosure program?

2. What would such a certification program look like?

3. Are there existing programs that already certify best practices? Are they effective? Are they independent? Could they be improved? How?

4. What should be considered (e.g. standards for third-parties, standards for collecting chemical information, costs) in implementing a third-party program?

5. How should chemical information be managed by third-parties? Are there specific roles that third-parties should have in data management? Please explain.

6. How should a third-party certifier be funded? How could perceived or actual bias be minimized?

E. Reporting Threshold and Frequency of Reporting or Disclosure

EPA is interested in comments regarding the threshold for the size of entities that should be required or encouraged to report or disclose information on chemical substances and mixtures used in hydraulic fracturing and environmental and health data on those substances and mixtures. EPA is also interested in comments regarding how often reporting or disclosure should take place:

1. Are there thresholds that might be appropriate to limit reporting by small manufacturers or processors under either a regulatory or a voluntary program (e.g., the thresholds that define ''small manufacturer'' in 40 CFR 704.3 and 712.25)? Why? If available, how would the recommended reporting threshold affect cost to the reporting entity? How might different reporting thresholds affect the usefulness of the data provided?

2. Given possible changes in the composition of hydraulic fracturing fluids over time and changes in ownership of a well, how often and when should an entity report information to EPA or publicly disclose it?

3. What would be the effect of changes in the frequency of reporting and/or disclosure on the overall cost of reporting or disclosure? What would be the effect of changes in level of aggregation or other aspects of reporting and/or disclosure?

F. Data Collection Efficiency

EPA believes that any mechanism for reporting and/or disclosure of information on chemical substances and mixtures should be structured in a manner that minimizes the potential for duplication and overlap.

1. EPA requests comment on how best to minimize duplicative reporting and/or disclosure requirements, particularly for companies that may also report to the BLM, state agencies, and to other parties. For example, should EPA limit its data collection to items not collected by other parties? How much overlap is acceptable?

2. How can the Agency achieve the goal of efficient data collection while also maximizing transparency and public understanding?

3. In order to encourage transparency and information sharing while minimizing duplication, what information collection repository or database should EPA use? Should EPA develop a repository or use an existing one such as FracFocus (Ref. 7) or *http://www.data.gov*? If an existing repository is recommended, indicate which repository and why. Are any changes or enhancements recommended to this existing repository?

4. EPA believes that any TSCA reporting requirements should complement existing reporting programs and data sources, such as state databases and Web sites like FracFocus in order to avoid duplication. How could this be achieved?

G. Health and Safety Studies of Chemicals and Mixtures Used in Hydraulic Fracturing

EPA is seeking comment on potential options for reporting or disclosure of health and safety studies for chemical substances and mixtures used in hydraulic fracturing.

As described in Unit III.B., TSCA section 8(d) authorizes EPA to require manufacturers, processors, and distributors of any chemical substance or mixture and persons who propose to manufacture, process, or distribute in commerce any chemical substance or mixture to submit health and safety studies to EPA. One mechanism for the collection of these studies is TSCA section 8(d). Other mechanisms could include voluntary approaches. EPA is requesting comment on the types of companies that would report or disclose health and safety studies. EPA also is requesting comment on whether companies should be required to report studies or be encouraged to disclose studies, or whether a combination of regulatory and voluntary approaches should be used to obtain health and safety studies.

1. Should all manufacturers (including importers), processors, and distributors provide lists or copies of health and safety studies or should reporting only be required of some types of companies? Why or why not?

2. Are there existing mechanisms in place, including non-regulatory mechanisms, for EPA to obtain these studies? If not, what would be an effective regulatory approach and/or voluntary mechanism for EPA to obtain these studies?

3. Is there an approach that more effectively encourages further health and safety studies?

4. Some chemical substances and mixtures used in hydraulic fracturing are more studied than others. Some are considered to be well-characterized in terms of hazard and exposure information. If EPA were to require reporting, should EPA limit reporting requirements to the chemical substances and mixtures that EPA believes are not well-characterized? Why?

5. If a TSCA section 8(d) rule were promulgated, should it require reporting of studies for all chemical substances and mixtures used in hydraulic fracturing or only a subset? Why? If only certain chemicals should be included in the rule, which ones should EPA include?

6. Are there particular types of studies that should be required to be submitted or should all health and safety studies be required to be submitted? Why?

7. Are there studies that are of greater interest if they are conducted by a particular entity, e.g., service providers? For example, an assessment of environmental exposure may be viewed as more important because of the environment that is the focus of the study.

8. Would it be more efficient (timely and cost effective) to submit health and safety studies to a third-party? Why or why not? If so, why and what type of third-party?

H. Safer Chemicals and Transparency

Incentives and recognition programs could be used to support the development and use of safer chemicals (both those created deliberately and inadvertently) in hydraulic fracturing. Safer chemicals are generally less toxic to human health and the environment, and are less persistent and bioaccumulative than their alternatives. Under an EPA-sponsored voluntary initiative, EPA could provide resources and recognition for companies committed to promoting and using safe and sustainable practices. Such a voluntary program could help companies meet corporate sustainability goals by providing the means to, and an objective measure of, environmental stewardship. Information that could be collected or disclosed under such a voluntary program could be used to verify a company's eligibility for award or recognition in relation to identified measures and goals.

There are existing programs that encourage the development of safer chemicals (e.g., the Green Chemistry program and the Sustainable Futures program) or the use of safer substitutes (e.g., Design for the Environment) which may serve as models for application to hydraulic fracturing. A similar program focusing on chemicals used in hydraulic fracturing could speed adoption by well owners, operators and suppliers of safer chemicals. The program could also increase public understanding about chemical choice and use in hydraulic fracturing.

EPA would like to determine whether these programs could be used as possible models for consideration of chemicals and mixtures used in hydraulic fracturing and whether there are other programs that would be more effective. In order to determine whether replacement chemicals are safer, it would be important to take into account the effectiveness and potential associated risks with the alternative chemical. EPA requests comment on strategies for creating incentives and voluntary approaches for the development and use of safer chemicals.

1. Are there other TSCA sections that could also further support the use and development of safer chemicals more effectively?

2. What programs are appropriate to encourage the use of safer chemicals already on the market?

3. For this industry, are existing programs that encourage the development of safer chemicals appropriate? Could EPA change those programs to make them more effective in inducing well operators to use safer chemicals? How?

V. References

The following is a list of the materials that are specifically referenced in this document. The docket identified under **ADDRESSES** includes these references and other information considered by EPA. For assistance, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Toxic Substances Control Act, section 3 (15 U.S.C. 2602).
2. Earthjustice and 114 other organizations. Letter from Deborah Goldberg, Earthjustice to Wendy Cleland-Hamnett, Director, Office of Pollution Prevention and Toxics. Re: Citizen Petition Under Toxic Substances Control Act Regarding the Chemical Substances and Mixtures Used in Oil and Gas Exploration or Production. August 4, 2011. Available on-line at: *http://www.epa.gov/oppt/chemtest/pubs/Section_21_Petition_on_Oil_Gas_Drilling_and_Fracking_Chemicals8.4.2011.pdf.*
3. EPA. Letter from EPA Assistant Administrator Steven A. Owens to Deborah Goldberg, Earthjustice, Re: TSCA Section 21 Petition Concerning Chemical Substances and Mixtures Used in Oil and Gas Exploration or Production. November 2, 2011. Available on-line at: *http://www.epa.gov/oppt/chemtest/pubs/SO.Earthjustice.Response.11.2.pdf.*
4. EPA. Letter from Assistant Administrator Steven A. Owens to Deborah Goldberg, Earthjustice, Re: TSCA Section 21 Petition Concerning Chemical Substances and Mixtures Used in Oil and Gas Exploration or Production. November 23, 2011. Available on-line at: *http://www.epa.gov/oppt/chemtest/pubs/EPA_Letter_to_Earthjustice_on_TSCA_Petition.pdf.*
5. EPA. Chemical Substances and Mixtures Used in Oil and Gas Exploration or Production; TSCA Section 21 Petition Reasons for Agency Response. **Federal Register** (78 FR 41768, July 11, 2013) (FRL–9339–4).
6. TSCA Statutory Definitions Document. February 11, 2014.
7. FracFocus Chemical Disclosure Registry. Available on-line at: *http://www.fracfocus.org.*

VI. Statutory and Executive Order Reviews

Under Executive Orders 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) and 13563, entitled ''Improving Regulation and Regulatory Review'' (76 FR 3821, January 21, 2011), this is a ''significant regulatory action'' because it raises novel legal and/or policy issues. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under these Executive Orders and any changes made in response to OMB recommendations have been documented in the docket for this action.

Because this document does not impose or propose any requirements, and instead seeks comments and suggestions for the Agency to consider in possibly developing a subsequent proposed rule, the various other review requirements that apply when an agency imposes requirements do not apply to this action. Nevertheless, as part of your comments on this ANPR, you may include any comments or information that could help the Agency to assess the potential impact of a subsequent regulatory action on small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); to consider voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 272 note); to consider environmental health or safety effects on children pursuant to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); to consider human health or environmental effects on minority or low-income populations pursuant to Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994); or to consider potential impacts to state and local governments or tribal governments.

The Agency will consider such comments during the development of any subsequent rulemaking as it takes appropriate steps to address any applicable requirements.

List of Subjects in 40 CFR Chapter I

Environmental protection, Chemicals, Confidential business information, Exploration and production, Fracking, Hazardous substances, Hydraulic fracturing, Oil and gas, Reporting and recordkeeping.

Dated: May 9, 2014.

Gina McCarthy,

Administrator.

[FR Doc. 2014–11501 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 79, No. 96
Monday, May 19, 2014

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 14, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 18, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation of French Beans and Runner Beans from the Republic of Kenya into the United States.

OMB control number: 0579–0373.

Summary of Collection: The Plant Protection Act (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. The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319 56–59), prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States. The regulations allow the importation of French beans and runner beans from the Republic of Kenya into the United States. As a condition of entry, both commodities would have to be produced in accordance with a systems approach that would include requirements for packing, washing, and processing.

Need and Use of the Information: The Animal and Plant Health Inspection Service will use the following activities to collect information: Phytosanitary Certificate, Registration of Packing Houses and Marking of Boxes. Use of these information collection activities would allow for the importation of French beans and runner beans from the Republic of Kenya into the United States while continuing the protection against the introduction of quarantine pests.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 3.

Ruth Brown,
Departmental Information Collection Clearance Officer.

[FR Doc. 2014–11500 Filed 5–16–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta-Wasatch Cache Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Solicitation of nominees.

SUMMARY: In accordance with the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and the Federal Advisory Committee Act (FACA) (5 U.S.C., App. 2), the Uinta-Wasatch Cache Resource Advisory Committee (RAC) announces the solicitation of nominees to fill vacancies. 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 Title II of the Act. The RAC covers the Uinta-Wasatch Cache National Forest.

DATES: Nominations must be received on or before May 16, 2014. Nominations must contain a completed application package that includes the following:

(1) Nominee's name,
(2) Resume, and
(3) Completed Form AD–755 (Advisory Committee or Research and Promotion Background Information).

The package must be sent to the address listed below.

ADDRESSES: Send nominations and applications to Loyal Clark, RAC Coordinator, Uinta-Wasatch Cache National Forest Supervisor's Office, 857 West South Jordan Parkway, South Jordan, Utah 84095.

FOR FURTHER INFORMATION CONTACT: Loyal Clark, RAC Coordinator, by phone at 801–999–2113 or via email at *lfclark@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:

Background

On October 2, 2013, the Helium Stewardship Act of 2013 (Pub. L. 113–40) reauthorized the Act. The purpose of the RAC is to improve collaborative relationships among the people that use and care for the National Forests and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The duties of the RAC include monitoring projects, advising the Secretary on the progress and results of the monitoring efforts, and making recommendations to the Forest Service for any appropriate changes or adjustments to the projects being monitored by the RACs.

RAC Membership

The RAC will be comprised of 15 members approved by the Secretary of Agriculture. RAC membership will be fairly balanced in terms of the points of view represented and functions to be performed. The RAC members will serve 4-year terms. The RAC shall include representation from the following interest areas:

(1) Five persons who represent:

(a) Organized Labor or Non-Timber Forest Product Harvester Groups

(b) Developed Outdoor Recreation, Off-Highway Vehicle Users, or Commercial Recreation Activities,

(c) Energy and Mineral Development, or Commercial or Recreational Fishing Groups,

(d) Commercial Timber Industry, or

(e) Federal Grazing Permit or Other Land Use Permit Holders, or Representative of Non-Industrial Private Forest Land Owners, within the area for which the committee is organized.

(2) Five persons who represent:

(a) Nationally or Regionally Recognized Environmental Organizations,

(b) Regionally or Locally Recognized Environmental Organizations,

(c) Dispersed Recreational Activities,

(d) Archaeology and History, or

(e) Nationally or Regionally Recognized Wild Horse and Burro Interest, Wildlife Hunting Organizaitons, or Watershed Associations.

(3) Five persons who represent:

(a) Hold State-Elected Office,

(b) Hold County or Local-Elected Office,

(c) American Indian Tribes within or adjacent to the area for which the committee is organized,

(d) Area School Officials or Teachers, or

(e) Affected Public at Large.

In the event that a vacancy arises, the Designated Federal Officer may fill the vacancy with a replacement member appointed by the Secretary, if an appropriate replacement member is available.

Nominations and Applications Information

The appointment of members to the RAC will be made by the Secretary of Agriculture.

Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above. To be considered for membership, nominees must:

1. Be a resident of Utah,

2. Identify what interest group they would represent and how they are qualified to represent that interest group,

3. State why they want to serve on the RAC and what they can contribute,

4. Show their past experience in working successfully as part of a working group on forest management activities, and

5. Complete Form AD–755, Advisory Committee or Research and Promotion Background Information.

You may contact the person listed above or retrieve the Form AD–755 from the following Web site: *www.fs.usda.gov/uwcnf.* All nominations will be vetted by the Agency.

Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the RACs. To ensure that the recommendations of the RACs have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Dated: May 13, 2014.

Gregory Parham,

Assistant Secretary of Administration.

[FR Doc. 2014–11548 Filed 5–16–14; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Massachusetts Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a briefing meeting of the Massachusetts Advisory Committee to the Commission will convene at 10:00 a.m. (EST) on Wednesday, June 11, 2014, at Harvard University Law School, Lewis Hall, 214B, 1557 Massachusetts Avenue, Cambridge, MA 02138. The purpose of the briefing meeting is to hear from government officials, advocates, and other experts on the issue of school discipline in Massachusetts.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by Friday, July 11, 2014. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Melanie Reingardt at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Persons needing accessibility services should contact the Eastern Regional Office at least 10 working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov*, or to contact the Eastern Regional Office at the above phone number, email, or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: May 14, 2014.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2014–11503 Filed 5–16–14; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Survey: Expenditures Incurred by Recipients of Biomedical Research and Development Awards From the National Institutes of Health (NIH)

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 comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before July 18, 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 email at *jjessup@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer A. Bennett, Chief, Government Fixed Assets Branch, Government Division (BE–57), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; *phone:* (202) 606–9769; fax: (202) 606–5369; or via email at *jennifer.bennett@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The survey obtains the distribution of expenditures incurred by recipients of biomedical research awards from the National Institutes of Health (NIH) and will provide information on how the NIH award amounts are expended across several major categories. This information, along with wage and price data from other published sources, will be used to generate the Biomedical Research and Development Price Index (BRDPI). BEA develops this index for NIH under a reimbursable contract. The BRDPI is an index of prices paid for the labor, supplies, equipment, and other inputs required to perform the biomedical research the NIH supports in its intramural laboratories and through its awards to extramural organizations. The BRDPI is a vital tool for planning the NIH research budget and analyzing future NIH programs. A survey of award recipients is currently the only means for updating the expenditure category weights that are used to prepare the BRDPI.

The proposed survey change revises the instructions to clarify that respondent's should report not only expenditures from direct NIH award amounts, but also from NIH awards received as a sub-recipient from another institution.

This survey will be voluntary. The authority for NIH to collect information for the BRDPI is provided in 45 CFR subpart C, Post-Award Requirements, § 74.21. This sets forth explicit standards for grantees in establishing and maintaining financial management systems and records, and § 74.53 which provides for the retention of such records as well as NIH access to such records.

BEA will administer the survey and analyze the survey results on behalf of NIH, through an interagency agreement between the two agencies. The authority for the NIH to contract with DOC to make this collection is the Economy Act (31 U.S.C. 1535 and 1536).

The ''Special Studies'' authority, 15 U.S.C. 1525 (first paragraph), permits DOC to provide, upon the request of any person, firm, or public or private organization (a) Special studies on matters within the authority of the Department of Commerce, including preparing from its records special compilations, lists, bulletins, or reports, and (b) furnishing transcripts or copies of its studies, compilations and other records. NIH's support for this research is consistent with the Agency's duties and authority under 42 U.S.C. 282.

The information provided by the respondents will be held confidential and be used for exclusively statistical purposes. This pledge of confidentiality is made under the Confidential Information Protection provisions of title V, subtitle A, Public Law 107–347. Title V is the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA). Section 512 (on Limitations on Use and Disclosure of Data and Information) of the Act, provides that ''data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes. Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent.''

Responses will be kept confidential and will not be disclosed in identifiable form to anyone, other than employees or agents of BEA or agents of NIH, without prior written permission of the person filing the report. By law, each employee as well as each agent is subject to a jail term of up to 5 years, a fine of up to $250,000, or both for disclosing to the public any identifiable information that is reported about a business or institution.

Section 515 of the Information Quality Guidelines applies to this survey. The collection and use of this information complies with all applicable information quality guidelines, *i.e.,* those of the Office of Management and Budget, Department of Commerce, and BEA.

II. Method of Collection

A survey with a cover letter that includes a brief description of, and rationale for, the survey will be sent by email to potential respondents by the first week of October in 2014 and by August of 2015 and 2016. A report of the respondent's expenditures of the NIH award amounts, including NIH awards received as a sub-recipient from another institution, following the proposed format for expenditure categories included with the survey form, will be requested to be completed and submitted online no later than December 8, which in most years will be approximately 120 days after mailing. Survey respondents will be selected on the basis of award levels, which determine the weight of the respondent in the biomedical research and development price index. Potential respondents will include (1) The top 100 organizations in total awards, which account for about 73 percent of total awards; (2) 40 additional organizations that are not primarily in the ''Research and Development (R&D) contracts'' category; and (3) 10 additional organizations that are primarily in the ''R&D contracts'' category.

III. Data

OMB Control Number: 0608–0069.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Universities or other organizations that are NIH award recipients.

Estimated Number of Respondents: 120.

Estimated Time per Response: 16 hours, but may vary among respondents because of differences in institution structure, size, and complexity.

Estimated Total Annual Burden Hours: 1,920 hours.

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 NIH, including whether the information has 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 13, 2014.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2014–11453 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–EA–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–3–2014]

Foreign-Trade Zone 49—Newark, New Jersey Area; Authorization of Production Activity; Western Carriers, Inc. (Kitting of Liquor Gift Sets), North Bergen, New Jersey

On January 13, 2014, the Port Authority of New York and New Jersey, grantee of FTZ 49, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Western Carriers, Inc., within FTZ 49—Site 15, in North Bergen, New Jersey.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (79 FR 4442, 1–28–2014). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 13, 2014,

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–11529 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–014]

53-Foot Domestic Dry Containers From the People's Republic of China: Initiation of Antidumping Duty Investigation

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

DATES: *Effective Date:* May 19, 2014.

FOR FURTHER INFORMATION CONTACT: John Drury and Brian Davis, Office VI, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 and (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On April 23, 2014, the Department of Commerce (Department) received an antidumping duty (AD) petition concerning imports of 53-foot domestic dry containers (domestic dry containers) from the People's Republic of China (PRC), officially filed in proper form on behalf of a U.S. producer of domestic dry containers, Stoughton Trailers, LLC (Petitioner).[1] The AD Petition was accompanied by a countervailing duty (CVD) petition concerning imports of domestic dry containers from the PRC. On April 25, 2014, and May 6, 2014, the Department requested additional information and clarification of certain areas of the Petition, and on April 30, 2014, and May 8, 2014, respectively, Petitioner filed responses to these requests.[2]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that imports of domestic dry containers from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports materially retard the establishment of an industry in the United States, or in the alternative, that the U.S. industry is materially injured or threatened with material injury by reason of such imports. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioner in support of its allegations.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act, and that Petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioner is requesting.[3]

Period of Investigation

The period of investigation (POI) is October 1, 2013, through March 31, 2014.

Scope of the Investigation

The product covered by this investigation is domestic dry containers from the PRC. For a full description of the scope of the investigation, please *see* the ''Scope of the Investigation'' in Appendix I of this notice.

Comments on the Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope language in order to ensure that such language is an accurate reflection of the product for which the domestic industry is seeking relief.[4] As discussed in the preamble to the Department's regulations,[5] we are setting aside a period for interested parties to raise issues regarding product coverage. The period of scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. All comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on June 2, 2014, which is twenty calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on June 9, 2014. All such comments must be filed on the records of the AD investigation, as well as the concurrent CVD investigation.

Filing Requirements

All comments and submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). An electronically filed document must be received successfully in its entirety by the time and date of the applicable deadline noted above. Documents excepted from the electronic submission requirements must be filed

[1] *See* ''Petition for the Imposition of Antidumping Duties on Imports of 53-Foot Domestic Dry Containers from the People's Republic of China,'' dated April 23, 2014 (hereafter referred to as the ''Petition'').

[2] *See* Petitioner's, filing titled, ''Response to Department of Commerce Supplemental Questions, Volume II: Sales at Less Than Normal Value,'' dated April 30, 2014 (AD Supplement); *see also* ''Response to Department of Commerce Supplemental Questions, Volume I: General Issues,'' dated April 30, 2014 (General Issues Supplement); and ''Petition for the Imposition of Antidumping and Countervailing Duties, Supplemental Submission, Petition Volume II: *53-Foot Domestic Dry Containers from the People's Republic of China''*, dated May 8, 2014 (AD Supplement 2).

[3] *See* ''Determination of Industry Support for the Petition'' section, below.

[4] *See* General Issues Supplemental Questions, dated April 25, 2014; *see also* General Issues Supplement, at 1–2 and Exhibit SG–2.

[5] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadline.[6]

Comments on the Product Characteristics for the AD Questionnaire

The Department requests comments from interested parties regarding the appropriate physical characteristics of domestic dry containers to be reported in response to the Department's AD questionnaire. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they believe are relevant to the development of an accurate list of physical characteristics. Specifically, interested parties may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics utilized by manufacturers to describe domestic dry containers, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, we must receive comments on product characteristics no later than June 2, 2014. Rebuttal comments must be received no later than June 9, 2014. All comments and submissions to the Department must be filed electronically using IA ACCESS, as referenced above.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[7]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petitions).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we determined that domestic dry containers constitute a single domestic like product and we analyzed industry support in terms of that domestic like product.[8]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013.[9] Petitioner states that there are no other known producers of domestic dry containers in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[10]

Our review of the data provided in the Petition and other information readily available to the Department indicates that Petitioner has established industry support.[11] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[12] Second, the domestic producers (or workers) have met the statutory criteria

[6] *See* 19 CFR 351.303(b)(1). *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[7] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[8] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: 53-Foot Domestic Dry Containers from the People's Republic of China (AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Petitions Covering 53-Foot Domestic Dry Containers from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[9] *See* Volume I of the Petition, at 3; *see also* General Issues Supplement, at 2.

[10] *See* Volume I of the Petition, at 3.

[11] *See* AD Initiation Checklist, at Attachment II.

[12] *See* section 732(c)(4)(D) of the Act; *see also* AD Initiation Checklist, at Attachment II.

for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[13] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[14] Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigation that it is requesting the Department initiate.[15]

Allegations and Evidence of Material Retardation, Material Injury and Causation

Section 733(a)(1)(B) of the Act states that the ITC ''shall determine . . . whether there is a reasonable indication that the establishment of an industry in the United States is materially retarded by reason of imports of the subject merchandise.'' Petitioner alleges that imports of subject merchandise sold at less than normal value (NV) from the PRC have materially retarded the establishment of the domestic industry producing domestic dry containers. Petitioner argues that despite its demonstrated substantial commitment to commence production, U.S. production has not stabilized, and, therefore, the U.S. industry producing domestic dry containers has not been established.[16] To support its argument, Petitioner examines the five factors [17] considered by the ITC to determine if an industry is established,[18] as set forth in the ITC's *AD/CVD Handbook.*[19] If the ITC determines that an industry is not established, it then considers whether the performance of the industry reflects normal start-up difficulties or whether the imports of the subject merchandise have materially retarded the establishment of the industry.[20] Petitioner contends that the domestic industry has performed substantially worse than what could reasonably be expected during normal start-up conditions, thereby demonstrating that the establishment of the domestic industry has been materially retarded by subject imports.[21] Petitioner also alleges that, in the alternative, the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than NV. In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22]

Petitioner contends that the industry's materially retarded, or in the alternative, injured condition is illustrated by negligible market share; underselling and price depression or suppression; lost sales and revenues; adverse impact on production, capacity utilization, and shipments; decline in employment variables; and decline in financial performance.[23] We assessed the allegations and supporting evidence regarding material retardation, or in the alternative, material injury or threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[24]

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at less than fair value upon which the Department based its decision to initiate an investigation of imports of domestic dry containers from the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the AD Initiation Checklist.

Export Price

Petitioner based export price (EP) on one U.S. price quote for domestic dry containers produced in the PRC and offered for sale in the United States during the POI. As the quoted price is on an ex-works basis, Petitioner did not make any adjustments to this U.S. net price.[25]

Normal Value

Petitioner states that the Department has treated the PRC as a non-market economy (NME) country in every proceeding in which the PRC has been involved.[26] The presumption of NME status for the PRC has not been revoked by the Department and, therefore, in accordance with section 771(18)(C)(i) of the Act, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product for the investigation is appropriately based on factors of production valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and granting of separate rates to individual exporters.

Petitioner contends that Thailand is the appropriate surrogate country for the PRC because: (1) It is at a level of economic development comparable to that of the PRC; (2) It is a significant producer of comparable merchandise; and (3) the data for Thailand for valuing factors of production are available and reliable.[27] Based on the information provided by Petitioner, we conclude that it is appropriate to use Thailand as a surrogate country for initiation purposes.[28] After initiation of this investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value factors of production (FOPs) within 30 days before the scheduled date of the preliminary determination.[29]

Petitioner calculated NV using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. Petitioner based

[13] *See* AD Initiation Checklist, at Attachment II.

[14] *Id.*

[15] *Id.*

[16] *See* Volume I of the Petition, at 37–38.

[17] *See* Attachment III.

[18] *Id.,* at 18–20 and 37–38; *see also* General Issues Supplement, at 1 and Exhibit SG–1.

[19] *See Antidumping and Countervailing Duty Handbook* (13th Ed.), USITC Pub. 4056 (December 2008) (*ITC AD/CVD Handbook*), at II–31.

[20] *Id.,* at II–31 and II–32.

[21] *See* Volume I of the Petition, at 38–39 and Exhibits I–10 and I–11.

[22] *See* General Issues Supplement, at 4–5 and Exhibit SG–3.

[23] *See* Volume I of the Petition, at 14–20, 25–40 and Exhibits I–10 through I–15; *see also* General Issues Supplement, at 2–5 and Exhibits SG–3 through SG–6.

[24] *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Retardation, Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering 53-Foot Domestic Dry Containers from the People's Republic of China.

[25] *See* Volume II of the Petition, at 4 and Exhibit II–4; *see also* AD Initiation Checklist.

[26] *See* Volume II of the Petition at 2.

[27] *Id.* at 1–4.

[28] *See* AD Initiation Checklist.

[29] *See* 19 CFR 351.301(c)(3)(i). Note that this is the revised regulation published on April 10, 2013. *See http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt.*

NV on its own production experience.[30] Petitioner asserts that, to the best of its knowledge, its consumption rates are similar to the consumption of PRC producers.[31]

Petitioner valued the factors of production using reasonably available, public surrogate country data, specifically, Thai import data from the Global Trade Atlas (GTA) for the period September 2013 through February 2014, which are the most recent six months of data available for Thailand at the time of filing the Petition.[32] Petitioner excluded from these GTA import statistics imports from NME countries, countries that maintain broadly available export subsidies, and any imports from ''unspecified'' countries.[33] The Department determines that the surrogate values used by Petitioner are reasonably available and, thus, are acceptable for purposes of initiation. With respect to direct materials, Petitioner applied certain conversion factors to align the units of measure with its own FOPs.[34]

Petitioner calculated labor using a 2007 Thailand wage rate from the National Statistics Office's 2007 Industrial Census, and adjusted this rate for inflation using the consumer price index (CPI) data for Thailand published by the International Financial Statistics (IFS).[35]

Petitioner valued electricity using a 2013 Thailand industry electricity rate from the Metropolitan Electricity Authority (MEA).[36]

Petitioner calculated financial ratios (*i.e.,* factory overhead expenses, selling, general, and administrative expenses, and profit) based on the 2013 year-end financial statements of Cho Thavee Dollasien Public Company Limited (formerly Cho Thavee Dollasien Co., Ltd.) and its subsidiary, Cho Thavee Thermo Tech Co., Ltd. (collectively, Cho Thavee Dollasien), Thai manufacturers of containers, trailer assemblies, special vehicles, and related equipment (products that Petitioner claims is comparable to domestic dry containers), for the year ending December 31, 2013.[37]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of domestic dry containers from the PRC are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with section 773(c) of the Act, Petitioner calculated the estimated dumping margin to be 84.07 percent with respect to imports of domestic dry containers from the PRC.[38]

Initiation of AD Investigation

Based on our examination of the Petition on domestic dry containers from the PRC, the Department finds that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of domestic dry containers from the PRC are being, or likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation. For a discussion of evidence supporting our initiation determination, *see* the AD Initiation Checklist which accompanies this notice.

Respondent Selection

In accordance with our standard practice for respondent selection in AD investigations involving NME countries, we intend to issue quantity and value questionnaires to each potential respondent named in the Petition,[39] and will base respondent selection on the responses received. In addition, the Department will post the quantity and value questionnaire along with the filing instructions on the Enforcement and Compliance Web site (*http://trade.gov/enforcement/news.asp*). Exporters and producers of domestic dry containers from the PRC that do not receive quantity and value questionnaires via mail may still submit a quantity and value response, and can obtain a copy from the Enforcement and Compliance Web site. The quantity and value questionnaire must be submitted by all PRC exporters/producers no later than May 27, 2014. All quantity and value questionnaires must be filed electronically using IA ACCESS.

Separate Rates

In order to obtain separate rate status in an NME AD investigation, exporters and producers must submit a separate rate application.[40] The specific requirements for submitting the separate rate application in the PRC investigation are outlined in detail in the application itself, which will be available on the Department's Web site at *http://trade.gov/enforcement/news.asp* on the date of publication of this initiation notice in the **Federal Register**. The separate rate application will be due 60 days after the publication of this initiation notice. For exporters and producers who submit a separate rate status application and have been selected as mandatory respondents, these exporters and producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that the PRC respondents submit a response to the separate rate application by the deadline referenced above in order to receive consideration for separate rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[41]

[30] *See* Volume II of the Petition, at 4 and Exhibit II–5 and AD Supplement, at 1 and Exhibit SAD–1.

[31] *Id.*

[32] *See* Volume II of the Petition at 5 and Exhibit II–9; *see also* AD Supplement, at 2–3 and Exhibit SAD–3.

[33] *See* Volume II of the Petition at 5 and Exhibit II–9.

[34] *Id.* and at Exhibit II–6 and AD Supplement at 1–2.

[35] *See* Volume II of the Petition at 6 and Exhibits II–11 and II–12.

[36] *See* AD Supplement 2 at 2.

[37] *See* Volume II of the Petition at 6 and Exhibit II–14, and AD Supplement at 4–5 and Exhibit SAD–5.

[38] *See* AD Supplement at 6.

[39] *See* Volume I of the Petition at 12–13.

[40] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving Non-Market Economy Countries (April 5, 2005) (Separate Rates and Combination Rates Bulletin), available on the Department's Web site at *http://enforcement.trade.gov/policy/*).

[41] *See* Separate Rates and Combination Rates Bulletin at 6 (emphasis added).

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the Government of the PRC. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each known exporter (as named in the Petition), as provided in 19 CFR 351.203(c)(2).

ITC Notification

We notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of domestic dry containers from the PRC materially retard the establishment of the U.S. industry, or whether the U.S. industry is materially injured, or threatened with material injury by reason of such imports.[42] A negative ITC determination will result in the investigation being terminated.[43] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: (1) The definition of factual information (19 CFR 351.102(b)(21)), and (2) the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information for this investigation.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[44] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection (CBP) data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[45] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD or CVD investigations or proceedings initiated on or after August 16, 2013, including this investigation.[46] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: May 13, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise subject to investigation is closed (*i.e.,* not open top) van containers exceeding 14.63 meters (48 feet) but generally measuring 16.154 meters (53 feet) in exterior length, which are designed for the intermodal transport[47] of goods other than bulk liquids within North America primarily by rail or by road vehicle, or by a combination of rail and road vehicle (domestic containers). The merchandise is known in the industry by

[42] *See* section 733(a) of the Act.

[43] *Id.*

[44] *See Extension of Time Limits, Final Rule,* 78 FR 57790 (September 20, 2013).

[45] *See* section 782(b) of the Act.

[46] *See Certifications of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*).

[47] ''Intermodal transport'' refers to a movement of freight using more than one mode of transportation, most commonly on a container chassis for on-the-road transportation and on a rail car for rail transportation.

varying terms including ''53-foot containers,'' ''53-foot dry containers,'' ''53-foot domestic dry containers,'' ''domestic dry containers'' and ''domestic containers.'' These terms all describe the same article with the same design and performance characteristics. Notwithstanding the particular terminology used to describe the merchandise, all merchandise that meets the definition set forth herein is included within the scope of this investigation.

Domestic containers generally meet the characteristic for closed van containers for domestic intermodal service as described in the American Association of Railroads (AAR) Manual of Standards and Recommended Practices Intermodal Equipment Manual Closed Van Containers for Domestic Intermodal Service Specification M 930 Adopted: 1972; Last Revised 2013 (AAR Specifications) for 53-foot and 53-foot high cube containers. The AAR Specifications generally define design, performance and testing requirements for closed van containers, but are not dispositive for purposes of defining subject merchandise within this scope definition. Containers which may not fall precisely within the AAR Specifications or any successor equivalent specifications are included within the scope definition of the subject merchandise if they have the exterior dimensions referenced below, are suitable for use in intermodal transportation, are capable of and suitable for double-stacking [48] in intermodal transportation, and otherwise meet the scope definition for the subject merchandise.

Domestic containers have the following actual exterior dimensions: An exterior length exceeding 14.63 meters (48 feet) but not exceeding 16.154 meters (53 feet); an exterior width of between 2.438 meters and 2.60 meters (between 8 feet and 8 feet 6⅜ inches); and an exterior height of between 2.438 meters and 2.908 meters (between 8 feet and 9 feet 6½ inches), all subject to tolerances as allowed by the AAR Specifications. In addition to two frames (one at either end of the container), the domestic containers within the scope definition have two stacking frames located equidistant from each end of the container, as required by the AAR Specifications. The stacking frames have four upper handling fittings and four bottom dual aperture handling fittings, placed at the respective corners of the stacking frames. Domestic containers also have two forward facing fittings at the front lower corners and two downward facing fittings at the rear lower corners of the container to facilitate chassis interface.

All domestic containers as described herein are included within this scope definition, regardless of whether the merchandise enters the United States in a final, assembled condition, or as an unassembled kit or substantially complete domestic container which requires additional manipulation or processing after entry into the United States to be made ready for use as a domestic container.

The scope of this investigation excludes the following items: (1) Refrigerated containers; (2) trailers, where the cargo box and rear wheeled chassis are of integrated construction, and the cargo box of the unit may not be separated from the chassis for further intermodal transport; (3) container chassis, whether or not imported with domestic containers, but the domestic containers remain subject merchandise, to the extent they meet the written description of the scope. Imports of the subject merchandise are provided for under subheading 8609.00.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Imports of the subject merchandise which meet the definition of and requirements for ''instruments of international traffic'' pursuant to 19 U.S.C. 1322 and 19 CFR 10.41a may be classified under subheading 9803.00.50, HTSUS. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise as set forth herein is dispositive.

[48] ''Double-stacking'' refers to two levels of intermodal containers on a rail car, one on top of the other.

[FR Doc. 2014–11519 Filed 5–16–14; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–015]

53-Foot Domestic Dry Containers From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

DATES: *Effective Date:* May 19, 2014.

FOR FURTHER INFORMATION CONTACT: Ilissa Kabak Shefferman at (202) 482–4684 or Angelica Mendoza at (202) 482–3019, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On April 23, 2014, the Department of Commerce (the Department) received a countervailing duty (CVD) petition concerning imports of 53-foot domestic dry containers from the People's Republic of China (domestic dry containers from the PRC), filed in proper form, on behalf of Stoughton Trailers, LLC (Petitioner).[1] The CVD Petition was accompanied by an antidumping duty (AD) petition with respect to the PRC.[2] Petitioner is U.S. producer of 53-foot domestic dry containers. On April 25, 2014, the Department requested information and clarification for certain portions of the CVD Petition.[3] On April 25, 2014, the Department requested information and clarification for certain general portions of the AD and CVD Petitions.[4] Petitioner filed its response to these requests on April 30, 2014.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioner alleges that the Government of the People's Republic of China (the GOC) is providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) with respect to imports of domestic dry containers, and that such imports are materially retarding the establishment of an industry in the United States, or that such an industry is materially injured or threatened with material injury by reason of such imports. The Department finds that Petitioner filed the Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act, and that Petitioner demonstrated sufficient industry support with respect to the initiation of the investigation Petitioner is requesting.[6]

Period of Investigation

The period of investigation (POI) is January 1, 2013, through December 31, 2013.

Scope of Investigation

The products covered by this investigation are 53-foot domestic dry containers from the PRC. For a full description of the scope of this investigation, see ''Scope of Investigation'' at the Appendix of this notice.

Comments on Scope of Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope in order to ensure that the scope language

[1] *See* Petition for the Imposition of Antidumping and Countervailing Duties: 53-Foot Domestic Dry Containers from the People's Republic of China, dated April 23, 2014 (CVD Petition or Petition).

[2] *See* Petition for the Imposition of Antidumping and Countervailing Duties: 53-Foot Domestic Dry Containers from the People's Republic of China, dated April 23, 2014 (AD Petition).

[3] *See* Letter to Petitioner from Angelica Mendoza, dated April 25, 2014 (CVD Supplemental Questions).

[4] *See* Letter to Petitioner from Angelica Mendoza, dated April 25, 2014 (General Issues Supplemental Questions).

[5] *See* Response to CVD Supplemental Questions, dated April 30, 2014 (CVD Supplemental Response) (See Supplement to Volumes I and II).

[6] *See* ''Determination of Industry Support for the Petition,'' below.

in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[7] As discussed in the Preamble to the regulations,[8] we are setting aside a period for interested parties to raise issues regarding product coverage. The period of scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations. All comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on June 2, 2014, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on June 9, 2014. All such comments must be filed on the records of the CVD investigation, as well as the concurrent AD investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS).[9] An electronically filed document must be received successfully in its entirety by the time and date noted above. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the established deadline.[10]

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of the GOC for consultations with respect to the Petition.[11] Consultations were held with the GOC on May 8, 2014.[12]

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product (*see* section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that domestic dry containers constitute a single domestic like product and we have analyzed industry support in terms of that domestic like product.[14]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in Appendix I of this notice. To establish industry support, Petitioner provided its own production of the domestic like product in 2013.[15] Petitioner states that there are no other known producers of domestic dry containers in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[16]

Our review of the data provided in the Petition and other information readily available to the Department indicates that Petitioner has established industry support.[17] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) have met the statutory criteria

[7] *See* General Issues Supplemental Questions.

[8] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] For general filing requirements, *see* 19 CFR 351.303.

[10] *See* 19 CFR 351.303(b). For details regarding the Department's electronic filing requirements, *see Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). Information regarding IA ACCESS assistance can be found at *https://iaaccess.trade.gov/help.aspx*, and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[11] *See* Letter of Invitation Regarding Countervailing Duty Petition on 53-Foot Dry Domestic Containers from the People's Republic of China, dated April 24, 2014.

[12] *See* Consultations with the Government of the PRC Ex Parte Memorandum, dated May 12, 2014 (Consultations Memorandum).

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[14] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: 53-Foot Domestic Dry Containers from the People's Republic of China (PRC CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Petitions Covering 53-Foot Domestic Dry Containers from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building.

[15] *See* Volume I of the Petition, at 3; *see also* General Issues Supplement, at 2.

[16] *See* Volume I of the Petition, at 3.

[17] *See* PRC CVD Checklist, at Attachment II.

[18] *See* section 702(c)(4)(D) of the Act; *see also* PRC CVD Checklist, at Attachment II.

for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[19] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[20] Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting the Department initiate.[21]

Injury Test

Because the PRC is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially retard the establishment of a U.S. industry, or materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Retardation, Material Injury and Causation

Section 703(a)(1)(B) of the Act states that the ITC ''shall determine . . . whether there is a reasonable indication that the establishment of an industry in the United States is materially retarded by reason of imports of the subject merchandise.'' Petitioner alleges that imports of subject merchandise are benefitting from countervailable subsidies and that such imports are materially retarding the establishment of the U.S. industry producing domestic dry containers. Petitioner argues that despite its demonstrated substantial commitment to commence production, U.S. production has not stabilized, and, therefore, the U.S. industry producing domestic dry containers has not been established.[22] To support its argument, Petitioner examines the five factors considered by the ITC to determine if an industry is established,[23] as set forth in the ITC's *AD/CVD Handbook*.[24] If the ITC determines that an industry is not established, it then considers whether the performance of the industry reflects normal start-up difficulties or whether the imports of the subject merchandise have materially retarded the establishment of the industry.[25] Petitioner contends that the domestic industry has performed substantially worse than what could reasonably be expected during normal start-up conditions, thereby demonstrating that the establishment of the domestic industry has been materially retarded by subject imports.[26] Petitioner also alleges that, in the alternative, the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise benefitting from countervailable subsidies. In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[27]

Petitioner contends that the industry's materially retarded, or in the alternative, injured condition is illustrated by negligible market share; underselling and price depression or suppression; lost sales and revenues; adverse impact on production, capacity utilization, and shipments; decline in employment variables; and decline in financial performance.[28] We assessed the allegations and supporting evidence regarding material retardation, or in the alternative, material injury or threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[29]

Initiation of Countervailing Duty Investigation

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations. In the Petition, Petitioner alleges that producers/exporters of domestic dry containers in the PRC benefited from countervailable subsidies bestowed by the government. The Department examined the Petition and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether manufacturers, producers, or exporters of domestic dry containers from the PRC receive countervailable subsidies from the government.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on certain alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, see the CVD Initiation Checklist which accompanies this notice.

A public version of the initiation checklist is available on IA ACCESS.

Respondent Selection

If respondent selection is necessary in this investigation, we will provide interested parties with an opportunity to comment on any information used to select respondents prior to our selection. We will provide a schedule for comments, to the extent necessary, at a later date. We intend to make a decision regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petitions has been provided to the GOC via IA ACCESS. As soon as practicable, we will attempt to provide a copy of the public version of the Petition to each known exporter (as named in the Petition), as provided in 19 CFR 351.203(c)(2).

ITC Notification

We notified the ITC of our initiation, as required by section 702(d) of the Act.

[19] *See* PRC CVD Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* Volume I of the Petition, at 37–38.

[23] *Id.,* at 18–20 and 37–38; *see also* General Issues Supplement, at 1 and Exhibit SG–1.

[24] *See Antidumping and Countervailing Duty Handbook* (13th Ed.), USITC Pub. 4056 (December 2008) (*ITC AD/CVD Handbook*), at II–31.

[25] *Id.,* at II–31 and II–32.

[26] *See* Volume I of the Petition, at 38–39 and Exhibits I–10 and I–11.

[27] *See* General Issues Supplement, at 4–5 and Exhibit SG–3.

[28] *See* Volume I of the Petition, at 14–20, 25–40 and Exhibits I–10 through I–15; *see also* General Issues Supplement, at 2–5 and Exhibits SG–3 through SG–6.

[29] *See* CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Retardation, Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering 53-Foot Domestic Dry Containers from the People's Republic of China.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of domestic dry containers from the PRC are materially retarding the establishment of a U.S. industry, or whether such an industry is materially injured or threatened with material injury by reason of such imports.[30] A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt*, prior to submitting factual information in this investigation.

[30] *See* section 703(a) of the Act.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[31] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs & Border Protection (CBP) data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[32] Parties are hereby reminded that the Department issued a final rule with respect to certification requirements, effective August 16, 2013. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any AD or CVD proceedings initiated on or after August 16, 2013, including this investigation, should use the formats for the revised certifications provided at the end of the *Final Rule.*[33] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

[31] *See Extension of Time Limits, Final Rule,* 78 FR 57790 (September 20, 2013).

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: May 13, 2014.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Attachment I

Scope of the Investigation

The merchandise subject to investigation is closed (*i.e.,* not open top) van containers exceeding 14.63 meters (48 feet) but generally measuring 16.154 meters (53 feet) in exterior length, which are designed for the intermodal transport[34] of goods other than bulk liquids within North America primarily by rail or by road vehicle, or by a combination of rail and road vehicle (domestic containers). The merchandise is known in the industry by varying terms including ''53-foot

[32] *See* section 782(b) of the Act.

[33] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at the following: *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[34] ''Intermodal transport'' refers to a movement of freight using more than one mode of transportation, most commonly on a container chassis for on-the-road transportation and on a rail car for rail transportation.

containers,'' ''53-foot dry containers,'' ''53-foot domestic dry containers,'' ''domestic dry containers'' and ''domestic containers.'' These terms all describe the same article with the same design and performance characteristics. Notwithstanding the particular terminology used to describe the merchandise, all merchandise that meets the definition set forth herein is included within the scope of this investigation.

Domestic containers generally meet the characteristic for closed van containers for domestic intermodal service as described in the American Association of Railroads (AAR) Manual of Standards and Recommended Practices Intermodal Equipment Manual Closed Van Containers for Domestic Intermodal Service Specification M 930 Adopted: 1972; Last Revised 2013 (AAR Specifications) for 53-foot and 53-foot high cube containers. The AAR Specifications generally define design, performance and testing requirements for closed van containers, but are not dispositive for purposes of defining subject merchandise within this scope definition. Containers which may not fall precisely within the AAR Specifications or any successor equivalent specifications are included within the scope definition of the subject merchandise if they have the exterior dimensions referenced below, are suitable for use in intermodal transportation, are capable of and suitable for double-stacking [35] in intermodal transportation, and otherwise meet the scope definition for the subject merchandise.

Domestic containers have the following actual exterior dimensions: An exterior length exceeding 14.63 meters (48 feet) but not exceeding 16.154 meters (53 feet); an exterior width of between 2.438 meters and 2.60 meters (between 8 feet and 8 feet 6⅜ inches); and an exterior height of between 2.438 meters and 2.908 meters (between 8 feet and 9 feet 6½ inches), all subject to tolerances as allowed by the AAR Specifications. In addition to two frames (one at either end of the container), the domestic containers within the scope definition have two stacking frames located equidistant from each end of the container, as required by the AAR Specifications. The stacking frames have four upper handling fittings and four bottom dual aperture handling fittings, placed at the respective corners of the stacking frames. Domestic containers also have two forward facing fittings at the front lower corners and two downward facing fittings at the rear lower corners of the container to facilitate chassis interface.

All domestic containers as described herein are included within this scope definition, regardless of whether the merchandise enters the United States in a final, assembled condition, or as an unassembled kit or substantially complete domestic container which requires additional manipulation or processing after entry into the United States to be made ready for use as a domestic container.

The scope of this investigation excludes the following items: (1) Refrigerated containers; (2) trailers, where the cargo box and rear wheeled chassis are of integrated construction, and the cargo box of the unit may not be separated from the chassis for further intermodal transport; (3) container chassis, whether or not imported with domestic containers, but the domestic containers remain subject merchandise, to the extent they meet the written description of the scope.

Imports of the subject merchandise are provided for under subheading 8609.00.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Imports of the subject merchandise which meet the definition of and requirements for ''instruments of international traffic'' pursuant to 19 U.S.C. § 1322 and 19 C.F.R. § 10.41a may be classified under subheading 9803.00.50, HTSUS. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise as set forth herein is dispositive.

[FR Doc. 2014–11527 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–DS–P

[35] ''Double-stacking'' refers to two levels of intermodal containers on a rail car, one on top of the other.

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Trade Policy Mission to Peru

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

Mission Description

The U.S. Department of Commerce's International Trade Administration (ITA) is organizing a Renewable Energy and Energy Efficiency (RE&EE) Trade Policy Mission to Lima, Peru for November 12–13, 2014. The mission is designed to be led by a senior Department of Commerce official, and will focus on: (1) Creating a policy environment conducive to growth in Peru's RE&EE market; (2) introducing U.S. RE&EE exporters to key Peruvian Government officials; and (3) supporting the United Nations Framework Convention on Climate Change annual meeting (COP–20) hosted by Peru in December 2014.

The RE&EE trade policy mission will promote the export competitiveness of U.S. wind, solar, geothermal, biomass, hydropower, waste-to-energy, smart grid, and energy efficiency industries; and will demonstrate U.S. Government support for Peru's strong renewable energy and energy efficiency goals. The mission supports ITA's commitment in the Renewable Energy and Energy Efficiency Export Initiative (RE4I) to significantly increase U.S. RE&EE exports through the development and creation of new export opportunities.

Additionally, the mission supports the Administration's Look South initiative, which encourages companies to explore opportunities in the United States' 11 free trade agreement partner countries in Latin America. Renewable energy is in high demand throughout these growing and market liberalizing countries. Export.gov/looksouth includes ''Best Prospect'' market snapshots on renewable energy opportunities in six Look South countries, including Peru.

Commercial Setting

For the past decade, Peru has led South America as the country with the highest average annual growth in GDP (6.4%) and lowest inflation (2.9%). In fact, Peru's credit rating was increased by Fitch Ratings to BBB+, making it the highest-ranked South American country after Chile. Much of the country's growth has been a result of an expansion in energy-intensive mining, which has caused Peru's energy demand to increase substantially. As a result, Peru has the fourth highest energy demand of any Latin American country, a challenge that is focusing new investment—both international and domestic—on the development of stable, domestically-produced, renewable energy resources.

To promote renewable energy development, Peru now offers several policy incentives, including priority dispatch for renewable electricity, accelerated depreciation of up to 20 percent for investments in machinery or equipment that support renewable energy deployment, and technology-specific auctions. The country also features a 5 percent clean energy generation target and a biofuel blending mandate of 7.8 percent. Peru's Ministry

of Energy and Mines (MEM) is currently considering a new target, as it is charged with updating the national renewable energy target every five years.

To date, the technology-specific auctions have been the key driver of renewable energy deployment in Peru, promoting the development of several wind, solar, small hydro and biomass projects across the country. Introduced in 2008, the auctions are conducted by the MEM and award contracts to developers that offer the lowest tariff per kilowatt (kWh) for a given technology. Prices are guaranteed for 20 years, providing a stable investment climate—the result of which has been considerable international investor interest in the market. In fact, Peru has held four renewable auctions, including one for off-grid solar capacity. In the on-grid tenders, Peru has awarded power contracts to 58 projects for a total of 882MW from biomass, small hydro, solar and wind sources. According to its regulations, the Peruvian Government evaluates the need for additional auctions every two years.

Peru's liberalized power market and strong policy regime led to over $1 billion of cumulative clean energy investment in 2012, with additional investment expected well into the future. Today, Peru generates 52 percent of its electricity from renewable sources—mostly from large hydro (43 percent), biomass and waste, solar and small hydro. Natural gas, oil and diesel account for the rest, with several large mining operations producing their own power using expensive diesel generators.

ITA expects export opportunities for U.S. companies in all six RE&EE subsectors, including wind, solar, geothermal, biomass, hydropower, and renewable fuels; as well as in the smart grid and traditional energy efficiency industries. Peru lacks complete supply chains in each of these sectors, indicating that any RE&EE development will result in imports, supporting opportunities for U.S. exporters that should be well positioned to compete effectively in the market. In particular, exporters that manufacture bearings, gearboxes, turbines, and blades for the wind industry, as well as wafers, cells, modules, and invertors for the solar industry should all find opportunities. Opportunities also exist for geothermal service exporters, including firms capable of providing exploration, production, and resource confirmation expertise; as well as for companies capable of supplying equipment or services to support ethanol or energy-from-waste development.

Mission Goals

The RE&EE trade policy mission will facilitate the development of an export market by supporting the establishment of policy incentives in Peru's emerging RE&EE market. The mission will occur at an opportune time, as Peruvian policy makers seek to establish policy environment to support RE&EE investment prior to the COP–20 meetings in December.

The delegation will have the unique opportunity to meet government officials, discuss policy concerns, and suggest creative solutions to Peru's energy challenges. Topics relevant to Peru's RE&EE expansion include:

- *Rural electrification:* Fourteen percent of the Peruvian population lacks access to reliable electricity. The Peruvian Government has announced plans to boost the electrification rate to 95 percent by 2015 through the deployment of solar technologies.
- *Electricity prices:* The Peruvian Government keeps electricity rates artificially low through direct subsidies which limit opportunities for efficiency and make renewable energy investment difficult.
- *Financing:* Local financial institutions appear unwilling to invest in renewable energy or energy efficiency projects, leaving the market to be sustained by international investors.
- *Biofuels:* Peru has struggled to meet its biofuel blending target, established in 2007, which mandates that 7.8% ethanol be blended into the country's gasoline stock, due to limited biofuel production and a lack of operations and maintenance supplier.

Mission Scenario

The Renewable Energy and Energy Efficiency Trade Policy Mission will provide several opportunities for participants to discuss policy challenges with Peruvian Government officials. During the trade policy mission, participants will: (1) Receive market briefings on the status of the renewable energy market in Peru, including an assessment of upcoming opportunities; (2) receive a Market Assessment Report on opportunities in Peru's renewable energy market; (3) be introduced to key Peruvian government and regulatory officials during meetings to discuss policies related to renewable energy and energy efficiency; and (4) attend a networking reception with Peruvian business persons and government officials organized by the U.S. Foreign and Commercial Service.

PROPOSED TIMETABLE *

Date	Day	Activity
November 11	Tuesday Lima, Peru	Arrive in Lima, Peru • Welcome reception (in the evening). • Market briefing on RE&EE industry in Peru for mission participants by US&FCS Lima and Embassy staff.
November 12	Wednesday Lima, Peru	• Meetings with key Government officials and stakeholders.
November 13	Thursday Lima, Peru	• Seminar or Forum on RE&EE development in Peru hosted by AmCham Peru; or additional group meetings. • Networking reception at Ambassador's Residence. • Mission ends.
November 14	Friday Lima, Peru	Depart Lima, Peru • [OPTIONAL] Site visits for interested companies.

* **Note:** The final schedule will depend on the availability of local government and business officials, specific goals of the mission participants, and air travel schedules.

Participation Requirements

All parties interested in participating in the trade policy mission must complete and submit an application package for consideration by the Department of Commerce. All applicants will be evaluated based on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. A minimum of 10 and maximum of 25 companies will be selected to participate in the mission

from the applicant pool. U.S. companies already doing business in Peru as well as U.S. companies seeking to enter to the Peruvian market for the first time may apply.

Fees and Expenses

After a company or organization has been selected to participate on the mission, a payment to the Department of Commerce of a participation fee is required. The participation fee for the Trade Mission will be *$1,300* for a small or medium-sized firm (SME),[1] and *$2,300* for large firms. The fee for each additional firm representative (large firm or SME/trade organization) is $500. Expenses for travel, lodging, meals, and incidentals will be the responsibility of each mission participant. Delegation members will be able to take advantage of U.S. Embassy rates for hotel rooms.

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation, except as stated in the proposed timetable, or air transportation to and from the United States. Business visas are not required.

Conditions for Participation

An applicant must submit a completed mission application signed by a company officer, together with supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. **Note:** Each applicant must also certify that the products or services it seeks to export through the mission are either produced in the United States, or, if not, are marketed under the name of a U.S. firm and have at least 51 percent U.S. content of the value of the finished product or service. If the Department of Commerce receives an incomplete application, the Department may reject the application, request additional information, or take the lack of information into account when evaluating the applications.

Selection Criteria for Participation

- Suitability of the company's products or services to the market;
- Applicant's potential for business in Peru and in the region, including likelihood of exports resulting from the mission;
- Consistency of the applicant's goals and objectives with the stated scope of the mission.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process. Diversity of company size and location may also be considered during the review process.

Timeline for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the Commerce Department trade mission calendar (*http://export.gov/trademissions*) and other Internet Web sites, including the Renewable Energy & Energy Efficiency Exporters Portal (*www.export.gov/reee*), press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the mission will begin immediately and conclude no later than September 15, 2014. Applications received after September 15, 2014 will be considered only if space and scheduling permit.

Contacts	
Ryan Mulholland, *Senior Renewable Energy Trade Specialist, Office of Energy and Environmental Industries,* Phone: (202) 482–4693, Email: *Ryan.Mulholland@trade.gov.*	**Ricardo Pelaáez,** *Commercial Counselor,* U.S. Embassy—Luma, Peru, Phone: +(51) 1–618–2440, Email: *ricardo.pelaez@trade.gov.*

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2014–11472 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Virginia Modified Pound Net Leader Inspection Program

AGENCY: National Oceanic and Atmospheric Administration, 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 18, 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 and instructions should be directed to Carrie Upite, (978) 282–8475 or *carrie.upite@noaa.gov/*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of an inspection program for modified pound net leaders in the Virginia waters of the mainstem Chesapeake Bay. Pound net fishermen must call the National Marine Fisheries Service (NMFS) to arrange for a meeting. At the meeting, they must allow for the inspection of gear to ensure the modified leader meets the definition of a modified pound net leader, as described in the regulations (§ 222.102). This inspection program is necessary to provide fishermen with the insurance that their leaders meet the regulatory definition of a modified pound net leader before setting their gear, provide managers with the knowledge that the offshore leaders in a portion of the Virginia Chesapeake Bay are configured in a sea turtle-safe manner, and aid in enforcement efforts. This collection of information will end

[1] An SME is defined as a firm with 500 or fewer employees or that otherwise qualifies as a small business under SBA regulations (see *http://www.sba.gov/services/contracting opportunities/sizestandardstopics/index.html*). Parent companies, affiliates, and subsidiaries will be considered when determining business size. The dual pricing reflects the Commercial Service's user fee schedule that became effective May 1, 2008 (see *http://www.export.gov/newsletter/march2008/initiatives.html* for additional information).

when Final Rule 0648–BB37 becomes effective and will be replaced by training (consult the April 17, 2014 proposed rule (79 FR 21695) for details on the inspection program cessation).

II. Method of Collection

Reports may be made by telephone and in-person meetings.

III. Data

OMB Control Number: 0648–0559.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 19.

Estimated Time per Response: Arrangement of inspection meeting and reporting of lost or stolen tags, 5 minutes each; inspection meeting, 1 hour.

Estimated Total Annual Burden Hours: 70 hours.

Estimated Total Annual Cost to Public: $103 (recordkeeping/reporting).

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 14, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–11448 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC866

Determination of Overfishing or an Overfished Condition

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

ACTION: Notice.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has found that the following stocks are subject to overfishing or are in an overfished condition: Thorny skate is subject to overfishing and continues to be in an overfished condition; winter skate is subject to overfishing but is not in an overfished condition; Gulf of Mexico red snapper continues to be in an overfished condition; the Gulf of Mexico jacks complex is subject to overfishing; Gulf of Mexico hogfish is subject to overfishing; and South Atlantic blueline tilefish is subject to overfishing and in is an overfished condition. In addition, the Western and Central North Pacific (WCNP) stock of striped marlin, which is jointly managed by the Western Pacific Fisheries Management Council and the Pacific Fisheries Management Council, continues to be subject to overfishing and is now in an overfished condition.

NMFS, on behalf of the Secretary, notifies the appropriate fishery management council (Council) whenever it determines that overfishing is occurring, a stock is in an overfished condition, a stock is approaching an overfished condition, or when a rebuilding plan has not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks.

FOR FURTHER INFORMATION CONTACT: Mark Nelson, (301) 427–8565.

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS, on behalf of the Secretary, must notify Councils whenever it determines that a stock or stock complex is overfished or approaching an overfished condition; or if an existing rebuilding plan has not ended overfishing or resulted in adequate rebuilding progress. NMFS also notifies Councils when it determines a stock or stock complex is subject to overfishing. Section 304(e)(2) further requires NMFS to publish these notices in the **Federal Register**.

NMFS has determined that thorny skate and winter skate, which are managed by the New England Fisheries Management Council (NEFMC), are subject to overfishing and thorny skate continues to be in an overfished condition based on a survey biomass index. NMFS has informed the NEFMC that they must address overfishing on these two stocks and continue to rebuild the thorny skate stock.

NMFS has informed the Gulf of Mexico Fishery Management Council (GMFMC) that the latest benchmark assessment for Gulf of Mexico (GOM) red snapper confirmed that the stock continues to be in an overfished condition and is not subject to overfishing. GOM red snapper has been in a rebuilding plan since 2001. NMFS has determined that adequate progress is being made to rebuild the stock to the target rebuilding level by 2032, the end of the rebuilding plan.

NMFS has also notified the GMFMC that an overfishing determination has been made for the GOM jacks complex and for GOM hogfish based on the catch to overfishing limit ratio. The GMFMC has implemented accountability measures for each of these stocks for the 2014 fishing year.

NMFS has determined that, based on the latest stock assessment, the South Atlantic blueline tilefish stock is subject to overfishing and is in an overfished condition. The prior status for overfishing and overfished was unknown. NMFS has notified the South Atlantic Fishery Management Council that they must address overfishing and rebuild the stock.

NMFS has determined that the Western and Central North Pacific (WCNP) stock of striped marlin is subject to overfishing and is in an overfished condition. This determination was based on an assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), in conjunction with the Pacific Island Fisheries Science Center. NMFS has confirmed that section 304(i) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) applies because (1) the overfishing and overfished condition of WCNP striped marlin is due largely to excessive international fishing pressure, and (2) the regional fishery management organizations have inadequate measures

in place to correct the problem. NMFS has informed the Western Pacific Fishery Management Council and the Pacific Fishery Management Council of their obligations for international and domestic management under Magnuson-Stevens Act sections 304(i) and 304(i)(2) to address international and domestic impacts, respectively. The Councils must develop domestic regulations to address the relative impact of the domestic fishing fleet on the stock, and develop recommendations to the Secretary of State and Congress for international actions to end overfishing and rebuild WCNP striped marlin.

Dated: May 14, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11551 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD293

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR Steering Committee meeting.

SUMMARY: The SEDAR Steering Committee will meet via Webinar.

DATES: The Steering Committee webinar will be held on Thursday, June 5, 2014, from 10 a.m. to 12 p.m., EDT.

ADDRESSES: The webinar will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact John Carmichael at SEDAR (see **FOR FUTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request meeting information at least 24 hours in advance.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405

FOR FURTHER INFORMATION CONTACT: John Carmichael, SEDAR Program Manager; telephone: (843) 571–4366; email: *john.carmichael@safmc.net*; Kim Iverson, SAFMC Public Information Officer, telephone: (843) 571–4366; email: *Kim.Iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: This meeting is being held to discuss the SEDAR process and assessment priorities.

Items to discuss at this meeting:

1. SEDAR process: SOPPs update and assessment workshop.
2. SEDAR assessment summary report contents.
3. SEDAR project scheduling for 2015.
4. Assessment capability and initial priorities for 2016.
5. SEFSC program review update: Assessment process.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR 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 14, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11482 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD291

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's Legislative Committee will hold a public online webinar on June 11, 2014. The meeting is open to the public, but is not intended as a public hearing. Public comments will be taken at the discretion of the Legislative Committee chair as time allows.

DATES: The work session will begin at 9:30 a.m. on Wednesday, June 11, 2014 and will proceed until 3:30 p.m. or until business for the day is completed.

To Attend the Webinar: Join the meeting by visiting this link: *http://www.joinwebinar.com.* Enter the Webinar ID: 953–727–487. Please enter your name and email address (required). Once you have joined the webinar, choose either your computer's audio or select ''Use Telephone.'' If you do not select ''Use Telephone'' you will be connected to audio using your computer's microphone and speakers (VolP). It is recommended that you use a computer headset as GoToMeeting allows you to listen to the meeting using your computer headset and speakers. If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing 1–702–489–0008 (not a toll-free number); phone audio access code 559–722–928; audio phone pin shown after joining the webinar.

Technical Information: PC-based attendees must use Windows 7, Vista, or XP. Mac-based attendees must use Mac OS X 10.5 or newer. Mobile attendees must use an iPhone, iPad, Android phone, or Android tablet. You may also send an email to Mr. Kris Kleinschmidt or contact him at (503) 820–2280 for technical assistance.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Gilden, telephone: (503) 820–2418.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to review the House and Senate discussion drafts for reauthorization the Magnuson-Stevens Fishery Conservation and Management Act and other pertinent information in preparation for the June 2014 Council meeting.

Although non-emergency issues not contained in the Legislative Committee meeting agenda may come before the Legislative Committee for discussion, those issues may not be the subject of formal action during this meeting.

Special Accommodations

This public meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 (voice), or (503) 820–2299 (fax) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 14, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11480 Filed 5–16–14; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2011–0081]

CPSC Workshop on Potential Ways To Reduce Third Party Testing Costs Through Determinations Consistent With Assuring Compliance; Reopening of the Comment Period

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice; comment request.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) published a notice in the **Federal Register** on February 27, 2014 (79 FR 11088), announcing an April 3, 2014 public workshop regarding potential ways to reduce third party testing costs through determinations consistent with assuring compliance. In the **Federal Register** notice the Commission invited the public to submit any written comments by April 17, 2014. In response to the notice in the **Federal Register** the Juvenile Products Manufacturer's Association (JPMA) submitted a comment requesting a 90-day extension of the comment period to allow JPMA time to collect additional data from material manufacturers and test laboratories. The Toy Industry Association (TIA) also submitted a comment requesting the Commission keep the docket open to continue to collect data. To allow interested parties to submit additional comments or information, the Commission is reopening the comment period until July 16, 2014.

DATES: Submit comments by July 16, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2011–0081, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through: *http://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 notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov*. Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov*, and insert the Docket No. CPSC–2011–0081, into the ''Search'' box, and follow the prompts.

SUPPLEMENTARY INFORMATION: Section 14(a)(2) of the Consumer Product Safety Act generally requires that children's products that are subject to a CPSC children's product safety rule must be tested by a third party CPSC-accepted laboratory for compliance with applicable CPSC rules. 15 U.S.C. 2063(a)(2).[1] Public Law 112–28 (August 12, 2011) (Pub. L. 112–28) directed the CPSC to seek and review comments on ''opportunities to reduce the cost of third party testing requirements consistent with assuring compliance with any applicable consumer product safety rule, ban, standard, or regulation.'' The Commission fulfilled that sole related requirement in 2012.

On the Commission's own initiative in furtherance of continuing to seek meaningful ways to reduce the cost of third party testing while assuring compliance, the Commission published a notice in the **Federal Register** on February 27, 2014 (79 FR 11088), announcing an April 3, 2014 public workshop regarding potential ways to reduce third party testing costs through determinations consistent with assuring compliance. In the **Federal Register** notice, the Commission invited the public to submit any written comments by April 17, 2014. The Commission received 13 written comments in response to the notice. JPMA submitted a comment requesting a 90 day extension of the comment period to allow JPMA time to collect additional data from material manufacturers and test laboratories. TIA also submitted a comment requesting that the Commission keep the docket open to collect data.

Through this notice, the Commission is reopening the comment period until July 16, 2014, to allow all interested parties to submit additional comments and information. This extension ends 90 days after the close of the original comment period.

Dated: May 14, 2014.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2014–11445 Filed 5–16–14; 8:45 am]

BILLING CODE 6355–01–P

[1] *See also* 16 CFR part 1107.

DEPARTMENT OF DEFENSE

Office of the Secretary

Comprehensive Review of the Military Justice System

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Secretary of Defense directed the General Counsel of the Department of Defense (the General Counsel) to conduct a comprehensive review of the military justice system. To carry out the review, the General Counsel established the Military Justice Review Group (MJRG). The MJRG's review is focused on the structure and operation of the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial (MCM).

The General Counsel invites members of the public to suggest areas for review by the MJRG concerning both substantive military law and military justice procedures, as well as submit specific proposals to amend the UCMJ and the MCM. Please provide supporting rationale for any proposed changes.

DATES: Submissions are requested no later than July 1, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- E-Mail: *OSD.UCMJ@mail.mil*.
- Mail: Military Justice Review, Room 3B747, 1600 Defense Pentagon, Washington, DC 20301–1600.

Web site: *http://www.dod.mil/dodgc/mjrg.html*.

FOR FURTHER INFORMATION CONTACT: Mr. William Sprance, DoD Office of the General Counsel, 1600 Defense Pentagon, Washington DC 20301–1600; (703) 571–9457.

SUPPLEMENTARY INFORMATION: Comments submitted via email should be in one of the following formats: Adobe Acrobat or Microsoft Word. Materials received will not be returned, and any comments or submission received may become available to the public.

Dated: May 14, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–11507 Filed 5–16–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Academy Board of Visitors Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, DOD.

ACTION: Meeting notice.

SUMMARY: In accordance with 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting in the Longworth House Office Building, Room 1310, Washington, DC on June 17, 2014 (Reference previous **Federal Register** Notice/Vol. 79/No. 6/published 21 Apr 14 which did not include a closing time). The meeting will begin at 9:30 a.m. The meeting is scheduled to close to the public at 3:00 p.m. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, infrastructure, fiscal affairs, academic methods, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update, including a Diversity Update briefing, a Class of 2014 AFSC Composition and Class of 2018 Demographics Briefing, and a Summer Program Lineup Briefing; a Rated Accessions Briefing; an Inspector General Confidential Informant Out-brief; and a Board Recommendation Discussion. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, one session of this meeting shall be closed to the public because it involves matters covered by subsection (c)(6) of 5 U.S.C. 552b. Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: The issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to or considered by the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairman and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

If after review of timely submitted written comments and the BoV Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairman to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR 102–3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman.

Contact Information: For additional information or to attend this BoV meeting, contact Maj Mark Cipolla, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695–4066, *mark.cipolla@us.af.mil.*

Henry Williams,

Acting Federal Register Liaison Officer, DAF.

[FR Doc. 2014–11488 Filed 5–16–14; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0075]

Agency Information Collection Activities; Comment Request; The Study of Teacher Preparation Experiences and Early Teacher Effectiveness—Phase II

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 18, 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–0075 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 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melanie Ali, 202–208–7082.

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: The Study of Teacher Preparation Experiences and Early Teacher Effectiveness—Phase II.

OMB Control Number: 1850–0891.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households, State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 7,994.

Total Estimated Number of Annual Burden Hours: 5,608.

Abstract: The U.S. Department of Education (ED) is conducting a study examining the relationship between teacher preparation experiences and early teacher effectiveness (The Study of Teacher Preparation Experiences and Early Teacher Effectiveness, formerly known as The Study of Promising Features of Teacher Preparation Programs). This Information Collection Request (ICR) is the second of two ICRs for the study. The first ICR (Phase I Recruitment) requested clearance for recruitment activities. This second ICR, Phase II, requests clearance for data collection activities (obtaining teacher contact information from districts, collecting data from teachers on preparation experiences via an online teacher survey, and obtaining student data from districts). Data from this study will be used to identify promising preparation experiences. These results can inform efforts of stakeholders invested in teacher preparation, including national, state, and local policy makers; teacher preparation programs and certifying institutions; districts; and schools. Policy makers and administrators engaged in teacher preparation and certification can learn about which preparation experiences are related to teacher effectiveness. Districts and schools seeking objective information to guide teacher hiring and placement decisions also may find the results valuable.

Dated: May 14, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–11452 Filed 5–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Fellowship Program.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.022A.

DATES:

Applications Available: May 19, 2014.

Deadline for Transmittal of Applications: June 24, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fulbright-Hays DDRA Fellowship Program provides opportunities to doctoral candidates to engage in full-time dissertation research abroad in modern foreign languages and area studies. The program is designed to contribute to the development and improvement of the study of modern foreign languages and area studies in the United States.

Priorities: This notice contains one absolute priority, three competitive preference priorities, and one invitational priority, which are described in the following paragraphs. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute and competitive preference priorities are from the regulations for this program (34 CFR 662.21(d)).

Absolute Priority: For FY 2014, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

A research project that focuses on one or more of the following geographic areas: Africa, East Asia, Southeast Asia and the Pacific Islands, South Asia, the Near East, Central and Eastern Europe and Eurasia, and the Western Hemisphere (excluding the United States and its territories). Please note that applications that propose projects focused on the following countries are not eligible: Andorra, Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, United Kingdom, or Vatican City.

Competitive Preference Priorities: Within this absolute priority, we give competitive preference to applications that address one or more of the following priorities.

Under 34 CFR 75.105(c)(2)(i) and 34 CFR 662.21(d)(2), for FY 2014, we award an additional three points to an application that meets Competitive Preference Priority 1; two points for an application that meets Competitive Preference Priority 2; and five points for an application that meets Competitive Preference Priority 3 (up to 10 additional points possible).

These priorities are:

Competitive Preference Priority 1 (3 points): A research project that focuses on one or more of the following geographic areas: sub-Saharan Africa (Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Réunion, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe), Southeast Asia (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Timor-Leste, Vietnam), and South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka).

Competitive Preference Priority 2 (2 points): A research project that focuses on any of the 78 priority languages selected from the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs), as follows:

Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian,

Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Competitive Preference Priority 3 (5 points): A research project in the field of economics, engineering, international development, global education, mathematics, political science, public health, science, or technology proposed by an applicant who will use advanced language proficiency in one of the 78 LCTLs listed in Competitive Preference Priority 2 of this notice in his or her research.

Invitational Priority: We encourage applications from Minority-Serving Institutions (MSIs) as well as other institutions that promote the participation of students from minority backgrounds in research abroad projects in foreign languages and international studies. For purposes of this invitational priority, Minority-Serving Institution means an institution that is eligible to receive assistance under Part A of Title III, under Part B of Title III, or under Title V of the Higher Education Act of 1965, as amended (HEA).

Program Authority: 22 U.S.C. 2452(b)(6).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 662.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants redistributed as fellowships to individual beneficiaries.

Note: As part of its FY 2014 budget request, the Administration proposed to continue to allow funds to be used to support the applications of individuals who plan both to utilize their language skills in world areas vital to United States national security and to apply their language skills and knowledge of these countries in the fields of government, international development, and the professions. Therefore, students planning to apply their language skills in such fields and those planning teaching careers are eligible to apply for this program.

Estimated Available Funds: $2,889,223.

Estimated Range of Fellowship Awards: $15,000 to $60,000.

Estimated Average Size of Fellowship Awards: $34,818.

Estimated Number of Fellowship Awards: 86.

Note: The Department is not bound by any estimates in this notice.

Project Period: The institutional project period is 18 months, beginning October 1, 2014. Students may request funding for a period of no less than six months and no more than 12 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs. As part of the application process, students submit individual applications to the IHE. The IHE then officially submits all eligible individual student applications with its grant application to the Department.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* Both IHEs and student applicants can obtain an application package via the Internet at *www.G5.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms the applicant must submit, are in the application package for this program.

Page Limits: The application narrative is where the student applicant addresses the selection criteria that reviewers use to evaluate the application. The student applicant must limit the application narrative to no more than 10 pages and the bibliography to no more than two pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, both sides, and portrait orientation.

Note: For purposes of determining compliance with the page limits, 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. However, student applicants may single space all text in charts, tables, figures, graphs, titles, headings, footnotes, endnotes, quotations, bibliography, and captions.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch). Student applicants may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes. However, these items are considered part of the narrative and counted within the 10-page limit.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limits only apply to the application narrative and bibliography. The page limits do not apply to the Application for Federal Assistance face sheet (SF 424), the supplemental information form required by the Department of Education, or the assurances and certification. However, student applicants must include their complete responses to the selection criteria in the application narrative.

We will reject a student applicant's application if the application exceeds the page limits.

3. *Submission Dates and Times:*

Applications Available: May 19, 2014.

Deadline for Transmittal of Applications: June 24, 2014.

Applications for grants under this program must be submitted electronically using G5, the Department's grant management system, accessible through the Department's G5 site. For information (including dates and times) about how to submit an IHE's application electronically, or in paper format by mail or hand delivery if an IHE qualifies 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.

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

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov*. To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless an IHE qualifies for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Fulbright-Hays DDRA Fellowship Program, CFDA number 84.022A, must be submitted electronically using the G5 system, accessible through the Department's G5 site: *www.G5.gov.* You may not email an electronic copy of a grant application to us.

We will reject an application if an IHE submits it in paper format unless, as described elsewhere in this section, the IHE qualifies for one of the exceptions to the electronic submission requirement *and* submits, no later than two weeks before the application deadline date, a written statement to the Department that the IHE qualifies 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.*

While completing the electronic application, both the IHE and the student applicant will be entering data online that will be saved into a database. Neither the IHE nor the student applicant may email an electronic copy of a grant application to us.

Please note the following:

• The process for submitting applications electronically under the Fulbright-Hays DDRA Fellowship Program has several parts. The following is a brief summary of the process; however, all applicants should review and follow the detailed description of the application process that is contained in the application package. In summary, the major steps are:

(1) IHEs must email the following information to *ddra@ed.gov:* Name of university and full name and email address of potential project director. We recommend that applicant IHEs submit this information as soon as possible to ensure that they obtain access to G5 well before the application deadline date. We suggest that applicant IHEs send this information no later than two weeks prior to the closing date in order to facilitate timely submission of their applications;

(2) Students must complete their individual applications and submit them to their IHE's project director using G5;

(3) Persons providing references for individual students must complete and submit reference forms for the students and submit them to the IHE's project director using G5; and

(4) The IHE's project director must officially submit the IHE's application, which must include all eligible individual student applications, reference forms, and other required forms, using G5.

• The IHE must complete the electronic submission of the grant application by 4:30:00 p.m., Washington, DC time, on the application deadline date. G5 will not accept an application for this competition after 4:30:00 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that both the IHE and the student applicant not wait until the application deadline date to begin the application process.

• The hours of operation of the G5 Web site are 6:00 a.m. Monday until 7:00 p.m., Wednesday; and 6:00 a.m. Thursday until 8:00 p.m., Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the G5 Web site.

• Student applicants will not receive additional point value because the student submits his or her application in electronic format, nor will we penalize the IHE or student applicant if the applicant qualifies for an exception to the electronic submission requirement, as described elsewhere in this section, and submits an application in paper format.

• IHEs must submit all documents electronically, including all information typically provided 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. Both IHEs and student applicants 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.

• Student transcripts must be submitted electronically through the G5 system.

• Both the IHE's and the student applicant's electronic applications must comply with any page limit requirements described in this notice.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After the individual student applicant electronically submits his or her application to the student's IHE, the student will receive an automatic acknowledgment. In addition, the applicant IHE's project director will receive a copy of this acknowledgment by email. After a person submits a reference electronically, he or she will receive an online confirmation. After the applicant IHE submits its application, including all eligible individual student applications, to the Department, the applicant IHE will receive an automatic acknowledgment, which will include a PR/Award number (an identifying number unique to the IHE's application).

• Within three working days after submitting the IHE's electronic application, the IHE must fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from G5.

(2) The applicant IHE's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If an IHE is prevented from electronically submitting its application on the application deadline date because the G5 system is unavailable, we will grant the IHE an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable the IHE to transmit its application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) The IHE is a registered user of the G5 system and the IHE has initiated an electronic application for this competition; and

(2)(a) The G5 system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) G5 is unavailable for any period of time between 3:30 p.m. and 4:30:00 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting the IHE an extension. To request this extension or to confirm our acknowledgment of any system unavailability, an IHE may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see Section VII. Agency Contact) or (2) the G5 help desk at 1–888–336–8930. If G5 is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an email will be sent to all registered users who have initiated a G5 Application. Extensions referred to in this section apply only to the unavailability of the G5 system.

Exception to Electronic Submission Requirement: An IHE qualifies for an exception to the electronic submission requirement, and may submit its application in paper format, if the IHE is unable to submit an application through G5 because—

• The IHE or a student applicant does not have access to the Internet; or

• The IHE or a student applicant does not have the capacity to upload large documents to G5; *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), the IHE mails or faxes a written statement to the Department, explaining which of the two grounds for an exception prevents the IHE from using the Internet to submit its application. If an IHE mails a written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If an IHE faxes its 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 this statement to: Pamela J. Maimer, Ph.D., U.S. Department of Education, 1990 K Street NW., Room 6100, Washington, DC 20006–6078. FAX: (202) 502–7860.

The IHE's 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 an IHE qualifies for an exception to the electronic submission requirement, the IHE may mail (through the U.S. Postal Service or a commercial carrier) its application to the Department. The IHE must mail the original and two copies of the application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.022A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

The IHE 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 the IHE mails its 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 the IHE's application is postmarked after the application deadline date, we will not consider its application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the IHE should check with its local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If an IHE qualifies for an exception to the electronic submission requirement, the IHE (or a courier service) may deliver its paper application to the Department by hand. The IHE must deliver the original and two copies of the application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.022A), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00:00 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 an IHE mails or

hand delivers its application to the Department—

(1) The IHE 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 the IHE is submitting its application; and

(2) The Application Control Center will mail a notification of receipt of the IHE's grant application. If the IHE does not receive this grant notification within 15 business days from the application deadline date, the IHE should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *General:* For FY 2014, student applications are divided into seven categories based on the world area focus of their research projects, as described in the absolute priority listed in this notice. Language and area studies experts in discrete world area-based panels will review the student applications. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other world area panels. However, all fellowship applications will be ranked together from the highest to lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 662.21 and are listed in the following paragraphs. The maximum score for all of the criteria, including the competitive preference priorities, is 110 points. The maximum score for each criterion is indicated in parentheses.

Quality of proposed project (60 points): The Secretary reviews each application to determine the quality of the research project proposed by the applicant. The Secretary considers—

(1) The statement of the major hypotheses to be tested or questions to be examined, and the description and justification of the research methods to be used (15 points);

(2) The relationship of the research to the literature on the topic and to major theoretical issues in the field, and the project's originality and importance in terms of the concerns of the discipline (10 points);

(3) The preliminary research already completed in the United States and overseas or plans for such research prior to going overseas, and the kinds, quality, and availability of data for the research in the host country or countries (10 points);

(4) The justification for overseas field research and preparations to establish appropriate and sufficient research contacts and affiliations abroad (10 points);

(5) The applicant's plans to share the results of the research in progress and a copy of the dissertation with scholars and officials of the host country or countries (5 points); and

(6) The guidance and supervision of the dissertation advisor or committee at all stages of the project, including guidance in developing the project, understanding research conditions abroad, and acquainting the applicant with research in the field (10 points).

Qualifications of the applicant (40 points): The Secretary reviews each application to determine the qualifications of the applicant. The Secretary considers—

(1) The overall strength of the applicant's graduate academic record (10 points);

(2) The extent to which the applicant's academic record demonstrates strength in area studies relevant to the proposed project (10 points);

(3) The applicant's proficiency in one or more of the languages (other than English and the applicant's native language) of the country or countries of research, and the specific measures to be taken to overcome any anticipated language barriers (15 points); and

(4) The applicant's ability to conduct research in a foreign cultural context, as evidenced by the applicant's references or previous overseas experience, or both (5 points).

3. *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).

4. *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 a student application is successful, we notify the IHE's U.S. Representative and U.S. Senators and send the IHE a Grant Award Notification (GAN); or, we may send you an email containing a link to access an electronic version of the GAN. We may notify the IHE informally, also.

If a student application is not evaluated or not selected for funding, we notify the IHE.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates its approved application as part of the binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the electronic data instrument *International Resource Information System* (IRIS) to complete the final report. 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, the objective for the Fulbright-Hays DDRA Fellowship Program is to provide grants to colleges and universities to fund individual doctoral students to conduct research in other countries in modern foreign

languages and area studies for periods of six to 12 months.

The Department will use the following DDRA measures to evaluate its success in meeting this objective:

DDRA GPRA Measure 1: The percentage of DDRA fellows who increased their foreign language scores in speaking, reading, and/or writing by at least one proficiency level.

DDRA GPRA Measure 2: The percentage of DDRA fellows who complete their degree in their program of study within four years of receipt of the fellowship.

DDRA GPRA Measure 3: The percentage of DDRA fellows who found employment that utilized their language and area studies skills within eight years of receiving their award.

DDRA GPRA Measure 4: Efficiency Measure—The cost per DDRA fellow who found employment that utilized their language and area studies skills within eight years.

The information provided by grantees in their performance report submitted via IRIS will be the source of data for this measure. Reporting screens for institutions and fellows may be viewed at: *http://iris.ed.gov/iris/pdfs/DDRA_director.pdf. http://iris.ed.gov/iris/pdfs/DDRA_fellows.pdf.*

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Pamela J. Maimer, Ph.D., International and Foreign Language Education, U.S. Department of Education, 1990 K Street NW., Room 6100, Washington, DC 20006–6078. Telephone: (202) 502–7704 or by email: *ddra@ed.gov.*

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact 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 for free at the site.

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

Dated: 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. 2014–11520 Filed 5–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Board for Education Sciences; Meeting

AGENCY: Institute of Education Sciences, U.S. Department of Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting of the National Board for Education Sciences (NBES). The notice also describes the functions of the Committee. Notice of this meeting is required by Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend the meeting.

DATES: June 16, 2014.

Time: 9:00 a.m. to 3:30 p.m. Eastern Standard Time

ADDRESSES: 80 F Street NW., Large Board Room, Washington, DC 20001

FOR FURTHER INFORMATION CONTACT: Ellie Pelaez, 555 New Jersey Avenue NW., Room 600 E, Washington, DC 20208; phone: (202) 219–0644; fax: (202) 219–1402; email: *Ellie.Pelaez@ed.gov.*

SUPPLEMENTARY INFORMATION: The National Board for Education Sciences is authorized by Section 116 of the Education Sciences Reform Act of 2002 (ESRA), *20 U.S.C. 9516.* The Board advises the Director of the Institute of Education Sciences (IES) on, among other things, the establishments of activities to be supported by the Institute, on the funding for applications for grants, contracts, and cooperative agreements for research after the completion of peer review, and reviews and evaluates the work of the Institute.

On June 16, 2014, starting at 9 a.m., the Board meeting will commence and members will approve the agenda. From 9:05 to 10:15 a.m., IES Director John Easton, and Commissioners of IES's national centers will give an overview of recent developments at IES. This session will be followed by a question and answer period regarding the Commissioners' reports. A break will take place from 10:15 to 10:30 a.m.

The Board meeting will resume from 10:30 to 12 p.m. when the Board will discuss the future of IES Training Grants. NBES Chair David Chard and John Easton will provide the opening remarks, followed by remarks from Thomas Brock, Commissioner of the National Center for Education Research (NCER) and Joan McLaughlin, Commissioner of the National Center for Special Education Research (NCSER). Roundtable discussion by board members will take place after. The meeting will break for lunch from 12 to 1 p.m.

From 1 p.m. to 3 p.m., the Board will consider the topic, ''Multi-tiered Systems of Support in the Context of College and Career Readiness Standards.'' Following opening remarks by David Chard and Joan McLauglin, Board members will hear remarks by IES-funded researchers with expertise in screening and progress monitoring, intervention, data-based decision making and professional development. A roundtable discussion of the topic will follow.

Closing remarks and a consideration of next steps from the IES Director and NBES Chair will take place from 3 p.m. to 3:30 p.m., with adjournment scheduled for 3:30 p.m.

There will not be an opportunity for public comment. However, members of the public are encouraged to submit written comments related to NBES to Ellie Pelaez (see contact information above). A final agenda is available from Ellie Pelaez (see contact information above) and is posted on the Board Web site *http://ies.ed.gov/director/board/agendas/index.asp.* Individuals who will need accommodations for a disability in order to attend the meeting (e.g., interpreting services, assistance listening devices, or materials in alternative format) should notify Ellie Pelaez no later than June 9, 2014. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

Records are kept of all Board proceedings and are available for public inspection at 555 New Jersey Avenue NW., Suite 602, Washington, DC 20208, from the hours of 9 a.m. to 5 p.m., Eastern Standard Time Monday through Friday.

Electronic Access to This Document: You may view this document, as well as other documents of this Department

published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/news/fed-register/index.html*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC area at (202) 512–0000.

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Dated: May 14, 2014.

John Q. Easton,

Director, Institute of Education Science.

[FR Doc. 2014–11543 Filed 5–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Opportunity for Public Comment and Recommendations for Finalizing the National Assessment of Educational Progress (NAEP) Achievement Levels Descriptions

AGENCY: U.S. Department of Education, National Assessment Governing Board.

ACTION: Notice of opportunity for public comment and recommendations for finalizing the National Assessment of Educational Progress (NAEP) Achievement Levels Descriptions.

SUMMARY: The *National Assessment Governing Board* is soliciting public comment for guidance in finalizing the Achievement Levels Descriptions (ALDs) for the NAEP 2014 Technology and Engineering Literacy (TEL) at Grade 8. More information on the Governing Board's work is at *www.nagb.gov/.*

Background

Under Public Law 107–279, the National Assessment Governing Board (NAGB) is authorized to formulate policy guidelines for NAEP. The legislation specifies that the Governing Board is to develop appropriate student achievement levels for each subject and grade tested, as provided in section 303(e). Such levels are determined by identifying the knowledge that can be measured and verified objectively using widely accepted professional assessment standards; and developing achievement levels that are consistent with relevant widely accepted professional assessment standards and based on the appropriate level of subject matter knowledge for grade levels to be assessed, or the age of the students, as the case may be.

The *NAEP TEL assessment* was administered for the first time in 2014 to a nationally representative sample of over 22,000 grade 8 students (see *http://nces.ed.gov/nationsreportcard/tel/.* The ALDs illustrate what students should know and be able to do at each achievement level—Basic, Proficient, and Advanced—in Technology and Engineering Literacy in order to demonstrate student performance on the NAEP assessment. It is anticipated that the finalized achievement levels descriptions will be presented for approval at the Governing Board meeting on July 31–August 2, 2014.

Public and private parties and organizations are invited to provide written comments and recommendations. Voluntary participation by all interested parties is urged. This notice sets forth the review schedule, identifies the kind of information that the Governing Board is required to verify regarding achievement levels, and provides information for accessing additional materials that will be useful for this review.

Resources for Public Comment

(1) *Policy Definitions:* The Governing Board adopted policy definitions of student performance that identify in very general terms what is meant by Basic, Proficient, and Advanced achievement levels. These policy definitions apply for any subject and grade assessed in NAEP, and they are used for developing the achievement levels descriptions to be used in setting achievement levels and reporting NAEP results in a specific subject and grade—such as for the 2014 NAEP TEL at grade 8. The policy on achievement levels (which includes the general policy definitions) can be found at *http://www.nagb.org/content/nagb/assets/documents/policies/developing-student-performance.pdf.*

(2) *Draft achievement levels descriptions:* The draft achievement levels descriptions for the 2014 NAEP TEL at the Basic, Proficient, and Advanced levels for grade 8 are as follows:

Basic: 8th grade students performing at a basic level should demonstrate an understanding that humans can develop solutions by creating and using technologies. They should be able to identify the positive and negative effects that technology can have on the natural and designed world. They should be able to use a systematic process to solve a simple problem that responsibly addresses a human need or want. Students should distinguish components in selected technological systems and recognize that technologies require maintenance. They should select common information and communications technology tools and media for specified purposes, tasks, and audiences. Students should be able to find and evaluate sources, organize and display information to address simple research tasks, give credit for use of the work of others, and use feedback from team members.

Proficient: 8th grade students performing at the proficient level should be able to use a variety of technologies and work with others using a systematic design process in which they iteratively plan, analyze, generate, and communicate solutions. They should be able to explain how technology and society influence each other by comparing the benefits and limitations of the technologies' impacts. Students should be able to analyze the interaction among components in technological systems and consider how the behavior of a single part affects the whole. They should be able to diagnose the cause of a simple technological problem. Students should be able to select and use appropriate, more advanced tools and media for a variety of purposes, tasks, and audiences. They should be able to contribute to a team and provide constructive feedback. Students should be able to find, evaluate, organize, and display information to answer research questions, solve problems, and achieve goals, giving credit for use of the work of others.

Advanced: 8th grade students performing at an advanced level should be able to use a variety of common and specialized information technologies to achieve goals, to produce and communicate solutions to complex problems, and to explain potential implications for individuals and society. 8th grade students performing at the advanced level should be able to explain the complex relationships between technologies and society and predict the effects of these relationships on society and the natural world. Given criteria and constraints, students should be able to plan, design, and use evidence to evaluate and refine multiple possible solutions to a need or problem and justify their solutions. Students should be able to explain the relationship among components in technological systems and anticipate maintenance issues, identify root causes, and repair faults. Students should be able to integrate the use of multiple tools and media, to evaluate and use information, to communicate

with a range of audiences, and to accomplish complex tasks. They should be able to explain the ethical and appropriate uses of multimedia sources. Students should be able to contribute to a team by organizing, monitoring, and refining team processes.

(3) *TEL Framework:* In addition to the policy definitions of Basic, Proficient, and Advanced achievement, the achievement levels descriptions must represent the framework used for developing the NAEP TEL assessment. The NAEP TEL Framework can be found at *http://www.nagb.org/publications/frameworks/technology/2014-technology-framework.html.*

(4) *Informational Webinar:* Project staff and content expert panelists will be conducting an informational webinar on May 22 at 7:00 p.m. EDT. Further information about logging on to the webinar can be found at *http://www.nagb.org/newsroom/press-releases/2014/announcement-tel-achievement-level.html.* Materials from the webinar will be archived and made available to interested parties who are unable to participate.

(5) *Focus Issues:* While all comments are appreciated, project staff and content experts working on finalizing the TEL ALDs are particularly interested in addressing the following issues:

- Do the ALDs meet the policy definitions of student performance that identify in very general terms what is meant by Basic, Proficient, and Advanced achievement levels?
- Are the descriptions of what students should know and be able to do appropriate for 8th grade as specified by the TEL Framework?
- Is the progression from Basic to Proficient to Advanced appropriate for 8th grade as specified by the TEL Framework?
- Are the descriptions clear to you the reader, i.e., do they convey a picture of what students should know and be able to do at 8th grade?

Timelines: Comments may be provided via email at *telaldreview@ed.gov* no later than May 30, 2014. Comments may also be mailed, to be received no later than May 30, 2014, at the following address: NAEP TEL Achievement Levels Descriptions, National Assessment Governing Board, 800 North Capitol Street NW., Suite 825, Washington, DC 20002.

All responses will be taken into consideration before finalizing the NAEP TEL ALDs at grade 8 for Board adoption. Once adopted, these descriptions will be used in setting achievement levels for NAEP TEL at grade 8 and for reporting performance on NAEP relative to the achievement levels in 2014 and for all subsequent assessments until a new framework is developed for the NAEP.

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To use PDF you must have Adobe Acrobat Reader, which is available free at *http://get.adobe.com/reader.* If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC, area at (202) 512–0000.

Note: 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 on GPO Access at: *www.gpoaccess.gov/nara/index.html.*

Dated: May 13, 2014.

Cornelia Orr,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

[FR Doc. 2014–11434 Filed 5–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Fulbright-Hays Group Projects Abroad Program—Short-Term Projects

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information: Fulbright-Hays Group Projects Abroad Program—Short-Term Projects.

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.021A.

DATES:

Applications Available: May 19, 2014.

Deadline for Transmittal of Applications: June 24, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Fulbright-Hays Group Projects Abroad (Fulbright-Hays GPA) Program supports overseas projects in training, research, and curriculum development in modern foreign languages and area studies for groups of teachers, students, and faculty engaged in a common endeavor. Short-term projects may include seminars, curriculum development, or group research or study.

Priorities: This notice contains one absolute priority, three competitive preference priorities, and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from the regulations for this program (34 CFR 664.32). Competitive Preference Priorities 1 and 2 are from the regulations for this program (34 CFR 664.32), and Competitive Preference Priority 3 is from the notice of final priorities published in the **Federal Register** on September 24, 2010 (75 FR 59050).

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Specific Geographic Regions of the World.

A group project funded under this priority must focus on one or more of the following geographic regions of the world: Africa, East Asia, South Asia, Southeast Asia and the Pacific, the Western Hemisphere (Central and South America, Mexico, and the Caribbean), East Central Europe and Eurasia, and the Near East.

Competitive Preference Priorities: Within this absolute priority, we give competitive preference to applications that address the following three priorities.

Under 34 CFR 75.105(c)(2)(i), for FY 2014, we award an additional two points to an application that meets Competitive Preference Priority 1; up to an additional three points to an application that meets Competitive Preference Priority 2; and up to an additional five points to an application that meets Competitive Preference Priority 3. An applicant can address one, two, or all three of the competitive preference priorities. We can therefore award up to an additional 10 total points to an application, depending on how well the application meets competitive preference priorities 1, 2, and 3.

Note: In order to receive preference under these competitive preference priorities, the applicant must identify the priority or priorities that it believes it meets and provide documentation supporting its claims.

These priorities are:

Competitive Preference Priority 1: Specific Geographic Regions of the World (2 Points)

Applications that focus on one or more of the following geographic regions of the world: sub-Saharan Africa

(Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mayotte, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Réunion, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe); South Asia (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka); and Southeast Asia (Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, Timor-Leste, Vietnam).

Competitive Preference Priority 2: Substantive Training and Thematic Focus on Priority Languages (Up to 3 Points)

Applications that propose short-term projects abroad that provide substantive training and thematic focus on any of the 78 priority languages selected from the U.S. Department of Education's list of Less Commonly Taught Languages (LCTLs): Akan (Twi-Fante), Albanian, Amharic, Arabic (all dialects), Armenian, Azeri (Azerbaijani), Balochi, Bamanakan (Bamana, Bambara, Mandikan, Mandingo, Maninka, Dyula), Belarusian, Bengali (Bangla), Berber (all languages), Bosnian, Bulgarian, Burmese, Cebuano (Visayan), Chechen, Chinese (Cantonese), Chinese (Gan), Chinese (Mandarin), Chinese (Min), Chinese (Wu), Croatian, Dari, Dinka, Georgian, Gujarati, Hausa, Hebrew (Modern), Hindi, Igbo, Indonesian, Japanese, Javanese, Kannada, Kashmiri, Kazakh, Khmer (Cambodian), Kirghiz, Korean, Kurdish (Kurmanji), Kurdish (Sorani), Lao, Malay (Bahasa Melayu or Malaysian), Malayalam, Marathi, Mongolian, Nepali, Oromo, Panjabi, Pashto, Persian (Farsi), Polish, Portuguese (all varieties), Quechua, Romanian, Russian, Serbian, Sinhala (Sinhalese), Somali, Swahili, Tagalog, Tajik, Tamil, Telugu, Thai, Tibetan, Tigrigna, Turkish, Turkmen, Ukrainian, Urdu, Uyghur/Uigur, Uzbek, Vietnamese, Wolof, Xhosa, Yoruba, and Zulu.

Competitive Preference Priority 3: Inclusion of K–12 Educators (Up to 5 Points)

Applications that propose short-term projects abroad that develop and improve foreign language studies, area studies, or both at elementary and secondary schools by including K–12 teachers or K–12 administrators as at least 50 percent of the project participants.

Invitational Priority: For FY 2014 and any subsequent year in which we make awards based on the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1), we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Applications from any one of the following:

(a) Minority-Serving Institutions (MSIs) (as defined in this notice).

(b) Community colleges (as defined in this notice).

(c) New applicants (as defined in this notice).

Definitions:

Minority-Serving Institution means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the Higher Education Act of 1965, as amended (HEA).

Community college means an institution that meets the definition in section 312(f) of the HEA (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent).

New applicant means any applicant who has not received a discretionary grant from the Department of Education under a program authorized by title VI of the HEA or the Fulbright-Hays Act for five years prior to the deadline date for applications under this program.

Program Authority: 22 U.S.C. 2452(b)(6).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 664. (d) The notice of final priorities for this program, published in the **Federal Register** on September 24, 2010 (75 FR 59050).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $1,374,133.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards:

Short-term projects: $50,000–$125,000.

Estimated Average Size of Awards: Short-term projects: $80,831.

Maximum Award: We will reject any short-term GPA application that proposes a budget exceeding $125,000 for a single budget period of 18 months. The Assistant Secretary for Postsecondary Education may change the maximum award through a notice published in the **Federal Register**.

Estimated Number of Awards: Short-term projects: 17.

Note: The Department is not bound by any estimates in this notice.

Project Period: Short-term projects: Up to 18 months.

III. Eligibility Information

1. *Eligible Applicants:* (1) Institutions of higher education (IHEs), (2) State departments of education, (3) Private nonprofit educational organizations, and (4) consortia consisting of any type of eligible applicants.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

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: *http://grants.gov*. To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov*.

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.021A.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limits: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to no more than 40 pages, using the following standards:

• A ''page'' is 8.5″ x 11″, with text on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the page limit.

• 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, and graphs.

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman and Arial Narrow) will not be accepted.

• The 40-page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental information form required by the Department of Education; Part II, Budget Information—Non-Construction Programs (ED 524); Part IV, assurances, certifications, and the response to section 427 of the General Education Provisions Act (GEPA); the table of contents; the one-page project abstract; the appendices; or the line item budget. However, the page limit does apply to all of the application narrative section (Part III). If you include any attachments or appendices not specifically requested, these items will be counted as part of the program narrative (Part III) for purposes of the page limit requirement.

We will reject your application if you exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: May 19, 2014.

Deadline for Transmittal of Applications: June 24, 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.

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

5. *Funding Restrictions:* See 34 CFR 664.33. We reference additional 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 by going to the following Web site *http://fedgov.dnb.com/webform.* A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *http://www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Fulbright-Hays GPA Program, CFDA number 84.021A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and*

submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Fulbright-Hays GPA Program at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.021, not 84.021A).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues With the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement for Fulbright-Hays GPA short-term projects (CFDA 84.021A) to: Michelle Guilfoil, Fulbright-Hays Group Projects Abroad Program, U.S. Department of Education, 1990 K Street NW., Room 6107, Washington, DC 20006–8521. FAX: (202) 502–7860.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.021A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.021A), 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. *General Information:* For FY 2014, short-term project applications will be reviewed by separate panels according to world area. Each panel reviews, scores, and ranks its applications separately from the applications assigned to the other world area panels. However, all applications will be ranked together from the highest to the lowest score for funding purposes.

2. *Selection Criteria:* The selection criteria for this program are from 34 CFR 664.31 and are as follows: (a) Plan of operation (20 points); (b) Quality of key personnel (10 points); (c) Budget and cost effectiveness (10 points); (d) Evaluation plan (20 points); (e) Adequacy of resources (5 points); (f) Potential impact of the project on the development of the study of modern foreign languages and area studies in American education (15 points); (g) The project's relevance to the applicant's educational goals and its relationship to its program development in modern foreign languages and area studies (5 points); and (h) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which relevant host country resources will be utilized (10 points). Additional information about these criteria is in the application package for this program.

3. *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).

4. *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; we will also send you an email containing a link to access an electronic version of the Grant Award Notification (GAN). We may notify you informally as well.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. Grantees are required to use the electronic data instrument International Resource Information System (IRIS) to complete the final report. 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 (GPRA) of 1993, the following measure will be used by the Department to evaluate the success of the GPA short-term program: The percentage of GPA participants who disseminated information about, or materials from, their group project abroad through more than one outreach activity within six months of returning to their home institution.

The information provided by grantees in their performance reports submitted via IRIS will be the source of data for this measure. Reporting screens for institutions can be viewed at: *http://iris.ed.gov/iris/pdfs/gpa_director.pdf* and *http://iris.ed.gov/iris/pdfs/gpa_participant.pdf.*

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: For Fulbright-Hays GPA Program short-term projects (84.021A): Michelle Guilfoil, Fulbright-Hays Group Projects Abroad Program, U.S. Department of Education, 1990 K Street NW., Room 6107, Washington, DC 20006–8521. Telephone: (202) 502–7625 or by email: *michelle.guilfoil@ed.gov.*

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

The agency contact person does not mail application materials and does not accept applications.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the 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 this site.

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

Dated: 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. 2014–11555 Filed 5–16–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008 and re-authorized in the Agricultural Act of 2014. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

Dates and Times: June 5, 2014, 8:30 a.m.–5:30 p.m. June 6, 2014, 8:30 a.m.–1:00 p.m.

ADDRESSES: Omni Shoreham, 2500 Calvert St. NW., Washington, DC 20008.

FOR FURTHER INFORMATION CONTACT: Elliott Levine, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–1476; Email: *Elliott.Levine@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

- Update on USDA Biomass R&D Activities
- Update on DOE Biomass R&D Activities
- Update on the Biomass Research and Development Initiative
- Update on the DOE Loan Program Solicitations
- Update on the BioEconomy Initiative
- Overview of the BioEconomy Initiative Analysis
- Feedstocks panel on fuels from corn stover and an overview and application of the USDA Feedstock Readiness Level Tool

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you must contact Elliott Levine at 202–586–1476; Email: *Elliott.Levine@ee.doe.gov* and Roy Tiley at (410) 997–7778 ext. 220; Email: *rtiley@bcs-hq.com at least 5 business days* prior to the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Co-chairs of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Co-chairs will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at *http://biomassboard.gov/committee/meetings.html.*

Issued at Washington, DC, on May 13, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–11498 Filed 5–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of solicitation for member nominations.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, the U.S. Department of Energy is soliciting nominations for candidates to fill vacancies on the Biomass Research and Development Technical Advisory Committee (Committee).

DATES: Deadline for Technical Advisory Committee member nominations is June 9, 2014.

ADDRESSES: The nominee's name, resume, biography, and any letters of support must be submitted via one of the following methods:

(1) Email to *elliott.levine@ee.doe.gov.*

(2) Overnight delivery service to the Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–3B, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Elliott Levine, Designated Federal Officer, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–1476; Email: *elliott.levine@ee.doe.gov.*

Committee Web site: *http://biomassboard.gov/committee/committee.html.*

SUPPLEMENTARY INFORMATION: The Biomass Research and Development Act of 2000 (Biomass Act) [Pub. L. 106–224] requires cooperation and coordination in biomass research and development (R&D) between the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE). The Biomass Act was repealed in June 2008 by section 9008 of the Food, Conservation and Energy Act of 2008 (FCEA) [Pub. L. 110–246, 122 Stat. 1651, enacted June 18, 2008, H.R. 6124]. The Biomass Act was re-authorized in the Agricultural Act of 2014.

FCEA section 9008(d) established the Biomass Research and Development Technical Advisory Committee and lays forth its meetings, coordination, duties, terms, and membership types. Committee members are paid travel and per diem for each meeting. The Committee must meet quarterly and should not duplicate the efforts of other Federal advisory committees. Meetings are typically two days in duration. Three meetings are held in the Washington, DC area and the fourth is held at a site to be determined each year. The Committee advises DOE and USDA points of contact with respect to the Biomass R&D Initiative (Initiative) and priority technical biomass R&D needs and makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, and determined by an independent panel of qualified peers.

The committee members may serve two, three-year terms and committee membership must include: (A) An individual affiliated with the biofuels industry; (B) an individual affiliated with the biobased industrial and commercial products industry; (C) an individual affiliated with an institution of higher education that has expertise in biofuels and biobased products; (D) 2 prominent engineers or scientists from government or academia that have expertise in biofuels and biobased products; (E) an individual affiliated with a commodity trade association; (F) 2 individuals affiliated with environmental or conservation organizations; (G) an individual associated with state government who has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; (I) an individual with expertise in the economics of biofuels and biobased products; (J) an individual with expertise in agricultural economics; (K) an individual with expertise in plant biology and biomass feedstock development; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) at the option of the points of contact, other members (REF: FCEA 2008 section 9008(d)(2)(A)). All nominees will be carefully reviewed for their expertise, leadership, and relevance to an expertise. Appointments will be made for three-year terms as dictated by the legislation.

Nominations this year are needed for the following categories in order to address the Committee's needs: (E) Individuals affiliated with a commodity trade association; (F) individuals affiliated with environmental or conservation organizations; (J) individuals with expertise in agricultural economics; (K) individuals with expertise in plant biology and biomass feedstock development; and (M) at the option of the points of contact, other members. Nominations for other categories will also be accepted. Nomination categories (J) and (K) are considered Special Government Employees and require submittal of an annual financial disclosure form. In addition to the required categories, other areas of expertise of interest to the Committee are individuals with expertise in algae and sustainability.

Nominations are solicited from organizations, associations, societies, councils, federations, groups, universities, and companies that represent a wide variety of biomass research and development interests throughout the country. Nominations for one individual that fits several of the categories listed above *or* for more than one person that fits one category will be accepted. In your nomination letter, please indicate the specific membership category of interest. Each nominee must submit their resume and biography along with any letters of support by the deadline above. If you were nominated in previous years but were not appointed to the committee and would still like to be considered, please submit your nomination package again in response to this notice with all required materials. All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Technical Advisory Committee take into account the needs of the diverse groups served by DOE, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of women and men of all racial and ethnic groups and persons with disabilities. Please note that registered lobbyists, individuals already serving another Federal Advisory Committee, and Federal employees are ineligible for nomination.

Appointments to the Biomass Research and Development Technical Advisory Committee will be made by the Secretary of Energy and the Secretary of Agriculture.

Issued at Washington, DC, on May 13, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer

[FR Doc. 2014–11497 Filed 5–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, June 5, 2014; 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1864 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of April Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Board Communications
- Administrative Issues
  - ○ National EM SSAB Chairs' Funding Recommendation
  - ▪ Public Comments on Recommendation
  - ▪ Board Comments on Recommendation
  - ○ National EM SSAB Chairs' EM Publicize Successes Recommendation
  - ▪ Public Comments on Recommendation
  - ▪ Board Comments on Recommendation
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/*.

Issued at Washington, DC, on May 13, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–11491 Filed 5–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Wednesday, June 4, 2014 12:00 p.m.–8:00 p.m.

Thursday, June 5, 2014 8:30 a.m.–3:30 p.m.

ADDRESSES: Red Lion Hanford House, 802 George Washington Way, Richland, WA 99352.

FOR FURTHER INFORMATION CONTACT: Kristen Skopeck, Federal Coordinator, Department of Energy Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, A7–75, Richland, WA 99352; Phone: (509) 376–5803; or Email: *kristen.skopeck@rl.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Potential Draft Advice
  - ▪ Fiscal Year 2015 President's Budget and Fiscal Year 2016 Budget Request
  - ▪ 100 D/H Remedial Investigation/Feasibility Study and Proposed Plan, Draft A
  - ▪ Lifecycle Cost Report
  - ▪ 100 F Proposed Plan, Rev. 0
  - ▪ Proposed Amendments to the Consent Decree from the Washington State Department of Ecology and DOE
- Discussion Topics
  - ▪ Consortium For Risk Evaluation with Stakeholder Participation (CRESP) Presentation on ''Hanford Site-Wide Risk Review Project''
  - ▪ Hanford Advisory Board Committee Reports
  - ▪ Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kristen Skopeck at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kristen Skopeck at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Kristen Skopeck's office at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.hanford.gov/page.cfm/hab*.

Issued at Washington, DC, on May 13, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–11485 Filed 5–16–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP14–842–000.

Applicants: PGPipeline LLC.

Description: Docket No. RP14–442–000 Compliance Filing to be effective 7/1/2014.

Filed Date: 5/7/14.

Accession Number: 20140507–5051.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–843–000.
Applicants: Alliance Pipeline L.P.
Description: May 9–14, 2014 Auction to be effective 5/9/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5131.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–844–000.
Applicants: Dauphin Island Gathering Partners.
Description: Negotiated Rates 5–6–14 to be effective 5/8/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5174.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–845–000.
Applicants: J.P. Morgan Ventures Energy Corporation, Mercuria Energy America, Inc.
Description: Joint Petition for Temporary Waiver of J.P. Morgan Ventures Energy Corporation and Mercuria Energy America, Inc.
Filed Date: 5/7/14.
Accession Number: 20140507–5205.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–846–000.
Applicants: Dominion Transmission, Inc.
Description: DTI—Abandonment of Rate Schedule X–32 to be effective 6/9/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5091.
Comments Due: 5 p.m. ET 5/20/14.

Docket Numbers: RP14–847–000.
Applicants: Rockies Express Pipeline LLC.
Description: Neg Rate 2014–05–09 Encana NC NRA to be effective 5/10/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5047.
Comments Due: 5 p.m. ET 5/21/14.

Docket Numbers: RP14–848–000.
Applicants: Rager Mountain Storage Company LLC.
Description: Tariff Modifications to be effective 6/8/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5051.
Comments Due: 5 p.m. ET 5/21/14.

Docket Numbers: RP14–849–000.
Applicants: National Fuel Gas Supply Corporation.
Description: Cancellation of Rate Schedule X–38 to be effective 6/9/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5109.
Comments Due: 5 p.m. ET 5/21/14.

Docket Numbers: RP14–850–000.
Applicants: Transcontinental Gas Pipe Line Company,
Description: Transco's GSS LSS Customers Share of DTI GSS Fuel Refund to be effective N/A.
Filed Date: 5/9/14.
Accession Number: 20140509–5135.
Comments Due: 5 p.m. ET 5/21/14.

Docket Numbers: RP14–851–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/12/14.
Accession Number: 20140512–5037.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–852–000.
Applicants: ANR Storage Company.
Description: ANR Storage Company submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5039.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–853–000.
Applicants: Bison Pipeline LLC.
Description: Bison Pipeline LLC submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/12/14.
Accession Number: 20140512–5042.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–854–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Great Lakes Gas Transmission Limited Partnership submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5043.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–855–000.
Applicants: Blue Lake Gas Storage Company.
Description: Blue Lake Gas Storage Company submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5044.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–856–000.
Applicants: Gas Transmission Northwest LLC.
Description: Gas Transmission Northwest LLC submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5046.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–857–000.
Applicants: North Baja Pipeline, LLC.
Description: North Baja Pipeline, LLC submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5047.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–858–000.
Applicants: Northern Border Pipeline Company.
Description: Northern Border Pipeline Company submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/12/14.
Accession Number: 20140512–5048.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–859–000.
Applicants: Portland Natural Gas Transmission System.
Description: Portland Natural Gas Transmission System submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/12/14.
Accession Number: 20140512–5050.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–860–000.
Applicants: TC Offshore LLC.
Description: TC Offshore LLC submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/12/14.
Accession Number: 20140512–5051.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–861–000.
Applicants: Tuscarora Gas Transmission Company
Description: Tuscarora Gas Transmission Company submits tariff filing per 154.203: Compliance to Show Cause Order RP14–442–000 to be effective 6/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5052.
Comments Due: 5 p.m. ET 5/27/14.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP14–685–001.
Applicants: Equitrans, L.P.
Description: Interruptible Wheeling Service—Compliance Filing to be effective 6/6/2014.
Filed Date: 5/7/14.

Accession Number: 20140507–5066.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–780–001.
Applicants: Texas Eastern Transmission, LP.
Description: TETLP 2014 Tariff Maps Filing Amendment to be effective 5/29/2014.
Filed Date: 5/7/14.
Accession Number: 20140507–5031.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: RP14–118–003.
Applicants: WBI Energy Transmission, Inc.
Description: Interim Rates to be effective 5/1/2014 to be effective 5/1/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5073.
Comments Due: 5 p.m. ET 5/20/14.

Docket Numbers: RP14–573–003.
Applicants: KPC Pipeline, LLC.
Description: KPC Fuel Reimbursement Adjustment—Supplemental Compliance Filing to be effective 4/1/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5119.
Comments Due: 5 p.m. ET 5/20/14.

Docket Numbers: RP14–767–001.
Applicants: Questar Pipeline Company.
Description: Non-conforming TSAs, Amended filing—Enervest 5113, 5114, 5115 to be effective 2/1/2014.
Filed Date: 5/8/14.
Accession Number: 20140508–5074.
Comments Due: 5 p.m. ET 5/20/14.

Docket Numbers: RP14–823–001.
Applicants: Gulf South Pipeline Company, LP.
Description: Additional Non-Conf Agmts in RP14–823–000 to be effective 1/1/2015.
Filed Date: 5/8/14.
Accession Number: 20140508–5109.
Comments Due: 5 p.m. ET 5/20/14.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: Monday, May 12, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–11475 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–52–000.
Applicants: Barilla Solar, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status Barilla Solar, LLC.
Filed Date: 5/8/14.
Accession Number: 20140508–5148.
Comments Due: 5 p.m. e.t. 5/29/14.

Docket Numbers: EG14–53–000.
Applicants: Rising Tree Wind Farm LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rising Tree Wind Farm LLC.
Filed Date: 5/8/14.
Accession Number: 20140508–5159.
Comments Due: 5 p.m. e.t. 5/29/14.

Docket Numbers: EG14–54–000.
Applicants: Rising Tree Wind Farm II LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rising Tree Wind Farm II LLC.
Filed Date: 5/8/14.
Accession Number: 20140508–5161.
Comments Due: 5 p.m. e.t. 5/29/14.

Docket Numbers: EG14–55–000.
Applicants: Headwaters Wind Farm LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Headwaters Wind Farm LLC.
Filed Date: 5/8/14.
Accession Number: 20140508–5163.
Comments Due: 5 p.m. e.t. 5/29/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1292–002.
Applicants: Southwest Power Pool, Inc.
Description: Order No. 764 Compliance—Scheduling to be effective 3/1/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5187.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1553–001.
Applicants: PJM Interconnection, L.L.C.
Description: Errata to First Revised Service Agreement No. 3159; Queue No. W2–073 to be effective 2/21/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5171.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1928–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 1518R6 Arkansas Electric Cooperative Corp NITSA NOA to be effective 5/1/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5046.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1929–000.
Applicants: DeGreeff DP, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/10/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5061.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1930–000.
Applicants: DeGreeffpa, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/10/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5062.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1931–000.
Applicants: Elkhorn Ridge Wind, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/10/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5064.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1932–000.
Applicants: GenOn Mid-Atlantic, LLC.
Description: Revised Market-Based Rate Tariff to be effective 5/10/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5065.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1933–000.
Applicants: Headwaters Wind Farm LLC.
Description: MBR Application to be effective 7/9/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5093.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1934–000.
Applicants: Rising Tree Wind Farm LLC.
Description: MBR Application to be effective 7/9/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5094.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1935–000.
Applicants: Rising Tree Wind Farm II LLC.
Description: MBR Application to be effective 7/9/2014.
Filed Date: 5/9/14.
Accession Number: 20140509–5095.
Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1936–000.

Applicants: K Road Modesto Solar LLC.

Description: K Road Modesto Solar LLC Notice of Change in Status to be effective 5/10/2014.

Filed Date: 5/9/14.

Accession Number: 20140509–5134.

Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1937–000.

Applicants: Southwest Power Pool, Inc.

Description: Arkansas Electric Cooperative Corp NITSA NOA to be effective 6/1/2014.

Filed Date: 5/9/14.

Accession Number: 20140509–5167.

Comments Due: 5 p.m. e.t. 5/30/14.

Docket Numbers: ER14–1938–000.

Applicants: Southwest Power Pool, Inc.

Description: 1518R7 Arkansas Electric Cooperative Corp NITSA NOA to be effective 6/1/2014.

Filed Date: 5/9/14.

Accession Number: 20140509–5178.

Comments Due: 5 p.m. e.t. 5/30/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–32–000.

Applicants: American Transmission Company LLC,ATC Management Inc.

Description: Amendment to April 1, 2014 Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of American Transmission Company LLC, et al.

Filed Date: 5/9/14.

Accession Number: 20140509–5157.

Comments Due: 5 p.m. e.t. 5/19/14.

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 9, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11464 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–4–001]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Emerald Longwall Mine Project Amendment and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Emerald Longwall Mine Project Amendment in Docket No. CP14–4–001 (project). The project involves the excavation, abandonment, replacement, temporary elevation, and reburial of pipeline facilities currently operated by Texas Eastern Transmission, LP (Texas Eastern) in Greene County, Pennsylvania to facilitate the underground mining of coal. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on June 11, 2014.

You may submit comments in written form. The details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of the proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of a temporary easement to abandon, replace, elevate and monitor the proposed activities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Texas Eastern Transmission, LP is seeking authorization from the FERC pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for the project, which includes work to be performed for the planned longwall coal mining activities of Emerald Coal Resources, LP (Emerald) in Panel D2. The mining mitigation for the adjacent Panel D1was previously approved on January 29, 2014 in the Commission's *Order Issuing Certificate and Approving Abandonment.* Texas Eastern designed the project to ensure the safe and efficient operation of its existing pipeline facilities at their certificated design capacities during the planned longwall mining activities which include mining coal below the pipelines and then allowing the mine roof to collapse after removing the mine braces.

Texas Eastern proposes to excavate and elevate sections of Lines 2, 10, 15, and 25 totaling about 15,195 feet in length over Emerald's Panel D2 to monitor and mitigate potential strains and stresses on these pipeline sections. Texas Eastern would also replace with like-diameter pipeline the excavated segments of Lines 10, 15, and 25 during pipe elevation. A 1,010-foot-long section of Line 2 would also be replaced in a new alignment within the existing right-of-way following ground subsidence to facilitate work in the vicinity of the North Porter Street crossing and to minimize waterbody crossing impacts. Additionally, a 5-foot-long segment of previously idled Line 1 would be abandoned by removal to prevent the pipeline from buckling under the road during ground subsidence.

The four mainline segments at each mine would remain elevated using sandbags and skids for about 2 years until the longwall mining activities have been completed and the area is allowed time to settle. During the actual subsidence event, all segments would be monitored with strain gauges, and adjustments to sandbags and skids would be made, as necessary, to minimize pipeline stresses. After mining and allowing for a settlement period, the pipelines would be reburied

within Texas Eastern's existing easements.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The project would disturb about 45.6 acres of land for the excavation, abandonment, replacement, elevation, and reburial at the Emerald mine, most of which consists of existing previously disturbed easements. The acreages include permanent and temporary construction right-of-way, access roads, and wareyard. Following pipeline reburial and restoration, Texas Eastern would continue to maintain its existing 22.7 acres of easement at the Emerald mine for the continued permanent operation of its pipelines; the remaining acreage would be restored and allowed to revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the excavation, abandonment, replacement, temporary elevation, and reburial of Texas Eastern's existing pipeline facilities under these general headings:

- geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Pennsylvania State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility project, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 11, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the appropriate project docket number (CP14–4–001) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–4). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11465 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2524–021]

Grand River Dam Authority; Notice of Environmental Site Review

On June 11, 2014, Commission staff will hold an environmental site review for the Salina Pumped Storage Hydroelectric Project No. 2524–021. The project is located on the Saline Creek arm of Lake Hudson in the Grand River basin in Mayes County, Oklahoma. The purpose of the site review is to introduce the Commission's contractor team to the project. All participants should be prepared to provide their own transportation.

The site review will take place on Wednesday, June 11, 2014 at 10 a.m. c.s.t. at the project. The specific meeting place is TBD and will be provided to all registrants ahead of the site review.

All participants planning to attend the site visit should RSVP to Jacklyn Jaggars of the GRDA at *jjaggars@grda.com* or (918) 256–0723 by Friday, June 6, 2014.

If you have any questions, please contact either Stephen Bowler at (202) 502–6861 or via email at *stephen.bowler@ferc.gov* or Jeanne Edwards at (202) 502–6181 or via email at *jeanne.edwards@ferc.gov*.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11469 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1935–000]

Rising Tree Wind Farm II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Rising Tree Wind Farm II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 2, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11468 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–1934–000]

Rising Tree Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Rising Tree Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 2, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11467 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Headwaters Wind Farm LLC; Docket No. ER14–1933–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Headwaters Wind Farm LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability, is June 2, 2014.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11466 Filed 5–16–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9911–10–Region 2]

Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations in New Jersey, Puerto Rico, and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Notice of final actions.

SUMMARY: The purpose of this notice is to announce that between July 1, 2008 and April 15, 2014, the Region 2 Office of the Environmental Protection Agency (EPA), issued three final agency actions and the New Jersey Department of Environmental Protection (NJDEP) issued five final agency actions pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21. In addition, one previous EPA final agency action dated April 7, 2006 was inadvertently omitted in the previous **Federal Register** publication and has been included here.

DATES: The effective dates for the above determinations are delineated in the chart at the end of this notice (see **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Frank Jon, Environmental Engineer of

the Permitting Section, Air Programs Branch, Clean Air and Sustainability Division, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, NY 10007–1866, at (212) 637–4085.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the Region 2 Office of the USEPA, and the NJDEP have made final PSD determinations relative to the facilities listed below:

Name	Location	Project	Agency	Final action	Date
Caithness Long Island, LLC.	Brookhaven, New York.	A new 346 MW combined-cycle electric generating facility.	EPA	New PSD Permit	April 7, 2006.
West Deptford Energy, LLC.	West Deptford Township, New Jersey.	Two identical combined-cycle turbines each with a 2,262 MMBtu/hr higher heating value (HHV) (not including supplemental duct-firing) when firing natural gas; when duct firing is included, the maximum heat input is 2,270 MMBtu/hr HHV; one 40 MMBtu/hr auxiliary boiler; one 750 KW emergency diesel engine-driven generator; and a 300 HP diesel engine-driven fire pump and storage tanks.	NJDEP	New PSD Permit	May 6, 2009.
Vineland Municipal Electric Utility (VMEU)—Howard Down Station.	Vineland, New Jersey.	One 64 MW Rolls Royce simple-cycle combustion turbine (Model Trent 60) with a maximum heat input of 590 MMBtu/hr when firing natural gas and 568 MMBtu/hr when firing ultra low sulfur distillate. Emission controls consists of dry low NO_X combustors, water injection and Selective Catalytic Reduction for NO_X; and oxidation catalyst for CO and VOC.	NJDEP	New PSD Permit	September 16, 2010.
Hovensa, LLC	Christiansted, U.S. Virgin Islands.	Construction and operation of a new ultra low nitrogen oxide (NO_X) converter heater to replace an existing low NO_X heater at the refinery's sulfuric acid plant.	EPA	PSD Permit Modification.	May 9, 2011.
Hovensa, LLC	Christiansted, U.S. Virgin Islands.	Lower NO_X emission limit when firing oil as fuel, allowing for a different NO_X limit from the main stack while switching from the bypass stack to the main stack and while conducting on-line maintenance of the steam injection system. Also, a revision to the LSG Heater's permitted number of startup and shutdown cycles and to the permitted number of hours of such cycles.	EPA	PSD Permit Modification.	August 17, 2011.
Woodbridge Energy Center.	Woodbridge Township, NJ.	Two General Electric Company 7 FA combined-cycle combustion turbines (211 MW each), with 2,267 MMBtu/hr heat input, two heat recovery steam generators equipped with a natural gas-fired duct burner. Supporting auxiliary equipment includes one natural gas-fired auxiliary boiler, one natural gas-fired fuel heater, one ultra low sulfur distillate (ULSD) fuel-fired emergency generator and a ULSD-fired emergency fire water pump and 19% aqueous ammonia storage tank, and one cooling tower. Control devices to both turbines include dry-low NO_X combustors, SCRs, and oxidation catalysts.	NJDEP	New PSD Permit	July 25, 2012.

Name	Location	Project	Agency	Final action	Date
Hess Newark Energy Center.	Newark, NJ	The 655 Megawatt facility will consist of two GE 207FA.05 combined-cycle combustion turbine generators (CTGs), two heat recovery steam generators (HRSG) equipped with duct burners, and a single steam turbine generator (STG). Supporting ancillary equipment includes a natural gas-fired auxiliary boiler, a cooling tower, an emergency diesel generator, and an emergency diesel fire pump. The proposed CTGs and duct burners will be fueled exclusively by natural gas. The CTGs will utilize dry low-NO_X (DLN) combustors and selective catalytic reduction (SCR) systems to control NO_X emissions that meet Lowest Achievable Emission Rate (LAER). An oxidation catalyst will be used to control emissions of carbon monoxide (CO) to Best Available Control Technology (BACT) levels, as well as to control volatile organic compounds (VOC).	NJDEP	New PSD Permit	Permit issued: September 13, 2012. The Environmental Appeals Board issued an order dismissing the PSD permit appeal on November 20, 2012. PSD permit effective date: November 27, 2012.
PSEG Fossil LLC	Woodbridge Township, NJ.	A modification to construct and operate a nominal 625 MW Project at the existing Sewaren Generating Station. The proposed project consists of two state of the art natural gas fired combined-cycle combustion turbine generators (CTGs), two heat recovery steam generators (HRSG) equipped with duct burners, one 300 horsepower emergency diesel fire pump; and a three-cell mechanical cooling tower.	NJDEP	New PSD Permit	March 17, 2014.
Energy Answers, LLC	Arecibo, Puerto Rico	Construction and operation of the Arecibo Puerto Rico Renewable Energy Project which consists of two 1,050 tons per day (each) refuse-derived fuel municipal waste combustors, a 77 megawatt steam turbine electrical-generator, and other ancillary equipment.	EPA	New PSD Permit	Original PSD permit issued: June 11, 2013. Following appeal, the Environmental Appeals Board issued an order granting voluntary remand in part and denying review in part on March 25, 2014. Remanded final PSD permit was issued and effective on April 10, 2014.

This notice lists only the facilities that have received final PSD determinations. Anyone who wishes to review these determinations and related materials should contact the following offices:

EPA Actions

U.S. Environmental Protection Agency, Region 2 Office, Air Programs Branch—25th Floor, 290 Broadway, New York, New York 10007–1866, (212) 637–4085.

NJDEP Actions

New Jersey Department of Environmental Protection, Division of Environmental Quality, Air Quality Permitting Element, Bureau of Preconstruction Permits, 401 East State Street, Trenton, New Jersey 08625, (609) 777–0286.

Pursuant to 40 CFR 124.19(l), a prerequisite to seeking judicial review of these determinations under section 307(b)(1) of the Clean Air Act (the Act) is that parties must have previously filed a petition with the EPA Environmental Appeals Board under 40 CFR 124.19(a). If the prerequisite has been met, review may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register.** Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: May 7, 2014.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2014–11504 Filed 5–16–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting

ACTION: Notice of Open Meeting of the Advisory Committee of the Export-

Import Bank of the United States (Ex-Im Bank)

SUMMARY: The Advisory Committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

TIME AND PLACE: Wednesday, May 21, 2014 from 11 a.m.–3 p.m. A break for lunch will be at the expense of the attendee. Security processing will be necessary for reentry into the building. The meeting will be held at Ex-Im Bank in the Main Conference Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

Agenda will be a discussion of Ex-Im Bank's Annual Competitiveness Report to Congress, and Committee members will receive updates on the Bank's portfolio and other activities.

PUBLIC PARTICIPATION: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If you plan to attend, a photo ID must be presented at the guard's desk as part of the clearance process into the building, you may contact Richard Thelen at *richard.thelen@exim.gov* to be placed on an attendee list.

If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please email Richard Thelen at *richard.thelen@exim.gov* prior to May 20, 2014.

MEMBERS OF THE PRESS: For members of the Press planning to attend the meeting, a photo ID must be presented at the guard's desk as part of the clearance process into the building please email Matthew Bevens at *matthew.bevens@exim.gov* to be placed on an attendee list.

FURTHER INFORMATION: Contact Niki Shepperd, 811 Vermont Avenue NW., Washington, DC 20571 at *niki.shepperd@exim.gov*

Cristopolis Dieguez,

Business Compliance Analyst.

[FR Doc. 2014–11586 Filed 5–15–14; 4:15 pm]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communication Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before July 18, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0740.

Title: Section 95.1015, Disclosure Policies.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 26 respondents and 26 responses.

Estimated Time per Response: 1 hour.

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

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154 and 303.

Total Annual Burden: 26 hours.

Annual Cost Burden: $1,300.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: Manufacturers of Low Power Radio Service (LPRS) used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement: ''This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or United States Navy SPASUR installations. You do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: Auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or automated maritime telecommunications system (AMTS) network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited.''

The reporting requirement contained in Section 95.1015 is necessary to ensure that television stations that may be affected by harmful interference from Automated Maritime Telecommunications System (AMTS) operations are notified. Manufacturers of LPRS equipment are required to include a statement regarding the use of the equipment. Additionally, prior to operating a LPRS transmitter for AMTS purposes, an AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in Section 80.215(h). The notification provided with the station's license application is sufficient to

satisfy this requirement if no new television stations would be affected.

OMB Control No.: 3060–0882.

Title: Section 95.833, Construction requirements.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5 respondents and 5 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Every 10 year reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154 and 303.

Total Annual Burden: 5 hours.

Annual Cost Burden: $1,250.

Nature and Extent of Confidentiality: There is no need with confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: 218–219 MHz service system licensees are required to file a report after 10 years of license grant to demonstrate that they provide substantial service to its service areas. This information is examined by the Commission to assess whether or not licensees are in compliance with 218–219 MHz service system construction requirements which is covered under 47 CFR 95.833. Without this information, the Commission would not be able to carry out its statutory responsibilities.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–11493 Filed 5–16–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden(s) and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate(s); ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and further ways to reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB Control Number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before July 18, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at: (202) 395–5167 or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov*. To submit your PRA comments by email, please send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), (202) 418–0217, or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0370.

Title: Part 32, Uniform System of Accounts for Telecommunications Companies.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents and Responses: 852 respondents; 852 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: On occasion recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 11, 151, 154, 161, 201–205, 215, and 218–220.

Total Annual Burden: 852 hours.

Total Annual Cost: No cost(s).

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission, in 2004, adopted the Joint Conference's recommendations to reinstate the following part 32 accounts: Account 5230, Directory revenue; Account 6621, Call completion services; Account 6622, Number services; Account 6623, customer services; Account 6561, Depreciation expense-telecommunications plant in service; Account 6562, Depreciation expense-property held for future telecommunications use; Account 6563, Amortization expense-tangible; Account 6564, Amortization expense-intangible; and Account 6565, Amortization expense-other. The Commission established a recordkeeping requirement that Class A ILECs maintain subsidiary record categories for unbundled network element revenues, resale revenues, reciprocal compensation revenues, and other interconnection revenues in the accounts in which these revenues are currently recorded. The use of subsidiary record categories allows carriers to use whatever mechanisms they choose, including those currently in place, to identify the relevant amounts as long as the information can be made available to state and federal regulators upon request. The use of subsidiary record categories for interconnection revenue does not require massive changes to the ILECs' accounting systems and is a far less burdensome alternative than the creation of new accounts and/or subaccounts. The information submitted to the Commission by carriers provides the necessary detail to enable the Commission to fulfill its regulatory responsibilities.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–11494 Filed 5–16–14; 8:45 am]

BILLING CODE 6712–01–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 3, 2014.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Elizabeth L. Celio, Oak Park, Illinois, individually, and as part of the Lumpkin Family Control Group, and three trusts established for the benefit of minors, with Steven L. Grissom, as trustee of the trusts,* all of Mattoon, Illinois, to join the existing Lumpkin Family Control Group; to acquire voting shares of First Mid-Illinois Bancshares, Inc., and thereby indirectly acquire voting shares of First Mid-Illinois Bank & Trust, National Association, both in Mattoon, Illinois.

Board of Governors of the Federal Reserve System, May 14, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–11471 Filed 5–16–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice; request for comments.

SUMMARY: The FTC proposes to collect information about Patent Assertion Entity (''PAE'') organization, structure, economic relationships, and activity, including acquisition, assertion, litigation, and licensing practices. This is the second of two **Federal Register** Notices required by the Paperwork Reduction Act (''PRA''). Last year, the FTC published a **Federal Register** Notice (''First Notice'') and received public comments on its proposal. Through this Second Notice, the Commission seeks additional public comments on, and Office of Management and Budget (''OMB'') review and approval of, the revised proposed collection of information discussed in this Notice.

DATES: Comments must be received on or before June 18, 2014.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment sub-section of the **SUPPLEMENTARY INFORMATION** section below. Write ''PAE Reports: Paperwork Comment; Project No. P131203'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/paestudypra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024.

Comments on the proposed collection of information should also be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Suzanne Munck, Chief Counsel for Intellectual Property and Deputy Director, Office of Policy Planning, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580; (202) 326–2429; *paestudy@ftc.gov.*

SUPPLEMENTARY INFORMATION: The proposed collection of information is necessary to study the likely competitive effects of PAE activity. PAEs are firms with a business model based primarily on purchasing patents and then attempting to generate revenue by litigating against, or licensing to, persons who are already practicing the patented technology. Currently, the public record of PAE activity focuses on publicly-available litigation data. Litigation, however, is only part of the picture. PAE activity encompasses a wide range of non-public behavior related to acquisition and licensing practices, together with structural issues related to organization and economic relationships. Data analyzing this behavior is not available through the public record and it is not available from a single private source.

Members of Congress support the FTC's proposed study. Urging the Commission, ''to address the abusive practices of patent assertion entities (PAEs) that are a drag on innovation, competition, and our economy,'' Senator Klobuchar ''appreciate[s] Chairwoman Ramirez's intention to ask the full Commission to commence a study under Section 6(b) of the Federal Trade Commission (FTC Act).'' Representative Lipinski ''strongly urge[s] the FTC to follow through with [a Section 6(b) study of PAE activity],'' and Representative Murphy ''looks forward to reviewing the results of [the FTC's] inquiry.''

PAE activity is a growing issue for the United States. For example, last June, the Executive Office of the President reported that ''suits brought by PAEs have tripled in just the last two years, rising from 29 percent of all infringement suits to 62 percent of all infringement suits,'' and this activity may have ''a negative impact on innovation and economic growth.'' In February of this year, the President renewed his call for legislation to combat abusive PAE practices, and several bills are pending in Congress addressing reforms directed toward PAE activity.

The Commission has studied PAE activity for several years, and its research points to the need for an empirical record addressing non-public PAE activity. The Commission first discussed the rise of the PAE business model in its 2011 Report, ''The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition.'' In that report, the Commission defined a PAE as a firm with a business model

focused primarily on purchasing and asserting patents, typically against operating companies with products currently on the market. On December 10, 2012, the Commission and the Antitrust Division of the United States Department of Justice (DOJ) jointly sponsored a workshop to explore the claimed harms and efficiencies of PAE activity, and the impact of PAE activity on innovation and competition more broadly.

Workshop panelists and commenters associated with the 2011 Report and the 2012 workshop provided anecdotal evidence of potential harms and efficiencies of PAE activity. These participants stressed the lack of comprehensive empirical evidence, and urged the Federal Trade Commission use its Section 6(b) to collect information on PAE acquisition, litigation, and licensing practices. Respondents to the Commission's first **Federal Register** Notice announcing the study likewise stressed the need for Commission research in this area.

The Government Accountability Office (GAO) has also recognized deficiencies in the existing record of non-public PAE activity. As part of the America Invents Act, Congress directed GAO to study the costs, benefits, and economic impact of PAE litigation, and to make policy recommendations. GAO issued its report on August 22, 2013. It found that over the period 2007 to 2011, the share of all patent lawsuits accounted for by PAEs rose from 17 percent to 24 percent, and that suits by PAEs included about twice as many defendants as suits by manufacturing companies. GAO, however, emphasized several data deficiencies that limited its ability to examine the issues identified by Congress. First, although it reported that patent assertions frequently do not result in litigation, GAO could not obtain reliable data on such assertions. Second, GAO could not collect information on litigation costs from court records or the sample data, nor obtain information on the settlements that resolve most cases.

Responding to these requests, and recognizing its own role in competition policy and advocacy, the Commission proposes a Section 6(b) study that will provide a better understanding of the organizational structure and economic relationships of PAEs, as well as their activity and associated costs and benefits. The Commission will use the study to publish a report describing non-public PAE activity that would otherwise not be available.

I. Public Comments/Consultation Outside the Agency and Actions Taken

On October 3, 2013, the FTC published the First Notice soliciting public comments on this study of PAE activity. The FTC received 70 public comments from a wide range of parties including individuals, firms, and trade associations. The majority of commenters expressed support for the goals of the FTC's study and recognized that the data necessary to understand the scope and economic implications of PAE activity is not currently available. Consistent with the December 2012 workshop comments, some respondents focused on the possible harms of PAE activity, whereas others focused on the possible efficiencies of PAE models.

Many commenters stated that the benefits of the study would outweigh the costs to subjects of compliance. Commenters, however, did not agree on the precise financial burden the study would impose. Some stated that the FTC's initial burden estimates were accurate, whereas others suggested that the estimates were too low. The FTC has addressed these comments in its revised estimates of financial burden.

Some commenters expressed confusion regarding the questions directed to PAEs and the questions directed to manufacturers and NPEs. The FTC clarifies that the study will consist of two parts. The primary focus of the study consists of a descriptive examination of the PAE business model. The second part is a narrowly focused comparative case study of PAE activity in the wireless communications sector. Consequently, the FTC separated the questions addressed to PAEs from the questions addressed to manufacturers and NPEs.

In the original information requests, the Commission requested production of all documents in many categories, such as a PAE's internal patent valuations, assertion strategy documents, communications with targets of assertion, and analyses of patent portfolios. Several commenters suggested that an ''all documents'' request would result in voluminous and duplicative information. In response, the revised requests focus on agreements and on strategic documents provided to officers and directors or shared with persons outside the firm.

The original requests also required subjects to identify patents subject to commitments such as licensing and standard-setting declarations. Commenters suggested that these requests may be unduly burdensome when the firm has made commitments on a field of use or subject matter basis—without identifying specific patent numbers. Commenters also suggested that the original requests may require respondents to conduct legal research to determine whether specific patents are subject to broad commitments. To address these comments, the FTC will ask respondents to describe the commitments as they have been declared to standard-setting organizations and third parties.

In response to additional comments addressing burden, the FTC has modified some of the defined terms and refined the information requests to more accurately target information that is most likely to be important for the study. The FTC also has revised the date range of the information requests from the period beginning January 1, 2008 to the period beginning January 1, 2009.

Finally, the Commission worked with the United States Patent and Trademark Office (USPTO) to collect USPTO's publicly available data. Wherever practical, to reduce respondents' burden, the FTC will not ask for responses that are publicly available through the USPTO.

II. Description of the Collection of Information and Proposed Use

The proposed study will add significantly to the existing literature and evidence about PAE form, structure, organization, and behavior. Earlier studies have focused primarily on publicly-available litigation data and concluded that PAE litigation activity is on the rise. The Commission, however, has unique Congressional authority to collect nonpublic information, such as licensing agreements, patent acquisition information, and cost and revenue data, that will provide a more complete picture of PAE activity.

Because the Commission believes a more detailed study will enhance the quality of the policy debate surrounding PAE activity, it proposes information requests directed to answering the following questions:

- How do PAEs organize their corporate legal structure, including parents, subsidiaries, and affiliates?
- What types of patents do PAEs hold and how do they organize their holdings?
- How do PAEs acquire patents; who are the prior patent owners; and how do they compensate prior patent owners?
- How do PAEs engage in assertion activity (i.e., how do they behave with respect to demands, litigation, and licensing)?
- What does assertion activity cost PAEs?

• What do PAEs earn through assertion activity? and

• How does PAE patent assertion behavior compare to that of other entities that assert patents?

The FTC's study will consist of two parts. The primary focus of the study consists of a broad descriptive examination of the PAE business model. The second part is a narrowly focused comparative case study of patent assertion activity in the wireless communications sector. The information requests for each part are identified below.

For the broad analysis, the FTC proposes sending information requests to approximately 25 PAEs that use different organizational models and assertion strategies. For instance, the proposed requests seek information on the composition of PAE portfolios (information such as the age and field of patents); whether any patents are essential to any standards or encumbered by other licensing obligations; the costs of acquiring patents, as well as whether the PAEs share an economic interest in their portfolios with other entities. The requests also seek information about assertion activity, such as licensing and litigation activity, and the costs from assertion.

The second part of the study compares how PAEs, manufacturing firms and NPEs assert intellectual property in the wireless communications sector. For example, the FTC seeks to explore whether the potential for countersuit against manufacturing firms changes their respective assertion behavior relative to PAE firms. While some commenters suggested expanding the scope of the comparative case study, the FTC proposes limiting that case study to the wireless communications sector because that sector is relatively well-defined with a significant amount of assertion activity by PAEs, manufacturing firms, and NPEs. This limitation also permits the FTC to achieve its goal of performing a comparative analysis of assertion behavior without imposing an undue burden on study subjects. The FTC proposes sending information requests to approximately 15 manufacturing firms and NPEs asserting patents in this sector.

Definitions and Instructions

The following definitions and instructions apply to all Information Requests:

''Acquire'' and ''Acquisition'' mean to purchase or obtain from another Person any Legal Right to a Patent, or to purchase or obtain a Person who Holds any Legal Right to a Patent. This definition does not include the assignment of Legal Rights to a Patent by a Firm employee who is bound to assign his or her Legal Rights to the Firm at the time of invention.

''Assert'' and ''Assertion'' mean: (i) Any Demand; (ii) any civil action threatened or commenced (by the Firm or other Person) relating to any Patent; or (iii) any investigation pursuant to 19 U.S.C. 1337 threatened or initiated (by the Firm or other Person) relating to any Patent. For Manufacturing Firms, ''Assert'' and ''Asserted'' do not include sales of products manufactured by the Firm, or on behalf of the Firm, that practice the claimed invention.

''Class'' and ''Subclass'' have the meanings defined by the United States Patent and Trademark Office (USPTO).

''Demand'' means any effort since January 1, 2009 to License any Patent, in whole or in part, and any other attempt to generate revenue by authorizing a Person outside the Firm to practice an invention claimed in a Patent. Demand does not include complaints or pleadings filed with a United States District Court or the United States International Trade Commission.

''Documents'' means all electronically stored information, and written, recorded, and graphic materials of every kind in the possession, custody, or control of the Firm. Unless otherwise specified, the term ''Documents'' excludes: (i) Bills of lading, invoices, purchase orders, customs declarations, and other similar documents of a purely transactional nature; (ii) architectural plans and engineering blueprints; and (iii) documents solely relating to environmental, human resources, OSHA, or ERISA compliance.

''Economic Interest'' means any right or claim to current or future revenues derived from a Patent, including, but not limited to: Lump-sum payments; royalties; access to other Patent(s) as part of a cross-Licensing agreement; a debt or equity interest in a Person that Asserts Patents; use of the Firm's Legal Rights to any Patent as collateral for a Person's loan or investment; or any other form of compensation relating to the Assertion, Acquisition, or Transfer of Patents Held by the Firm. ''Economic Interest'' does not include shareholders of publicly traded Firms that own less than 5% of the outstanding shares of any class of stock in the Firm.

''Firm'' means the Person served with the information requests described in this notice.

''Hold'' and ''Held'' mean to possess a Legal Right to a Patent.

''Legal Right'' means any ownership interest in, an exclusive License to, or other rights adequate to License or enforce a Patent.

''Litigation'' means any civil action commenced in a United States District Court or with the United States International Trade Commission.

''License'' means authorization by the Patent holder to practice the claimed invention, including, but not limited to, a covenant not to sue and a covenant not to assert.

''Maintenance Fee(s)'' has the meaning defined by the USPTO.

''Patent'' means a United States patent or United States patent application as defined by 35 U.S.C. 101, *et seq.*

''Patent Portfolio'' means a collection of patents Held by the Firm, including all of the patents Held by the Firm and any sub-groups into which the Firm organizes its patents.

''Person'' means any natural person, corporation, association, firm, partnership, joint venture, trust, estate, agency, department, bureau, governmental, judicial, or legal entity, however organized or established.

''Reference Number'' means a Bates number or other sequential identification number.

''Report'' means all studies, analyses, and reports which were prepared by or for any officer(s) or director(s) of a corporate entity (or, in the case of unincorporated entities, individuals exercising similar functions) or presented to any Person outside the Firm (including, but not limited to, investment presentations and documents filed with the United States Internal Revenue Service or Securities and Exchange Commission).

''Standard Setting Organization'' or ''SSO'' means any organization, group, joint venture, or consortium that develop standards for the design, performance, or other characteristics of products or technologies.

''Transfer'' means the sale or exchange of any Legal Right to a Patent, including for monetary or other consideration or for no compensation.

''Wireless Chipset'' means any baseband processor, radio frequency transceiver, integrated circuit, chip, or chipset, or any combination thereof, and any related software, used to implement wireless communication.

''Wireless Communications Device'' means any device, including wireless chipsets, which implements wireless communication, including, but not limited to, software, user equipment, base stations, and network infrastructure.

''Wireless Patent'' means any Patent Asserted against a Wireless Communication Device.

The Information Requests sent to Respondents will also have procedural instructions, not included here.

Information Requests Directed to Approximately 25 PAE Firms:

The FTC will have PAE Firms respond to the following Information Requests:

A. Identification of Report Author

Identify by full name, title, business address, telephone number, email address, and official capacity the Person(s) who prepared or supervised the preparation of the Firm's response to the Information Requests.

B. Firm Information

1. State the Firm's complete legal name and all other names under which it has done business since January 1, 2009, its corporate mailing address, all addresses and Web sites from which it does or has done business since January 1, 2009, and the date(s) and state(s) of its incorporation.

2. Describe the Firm's business and corporate structure; provide an organizational chart stating the names of all parents, wholly or partially owned subsidiaries, incorporated or unincorporated divisions, affiliates, branches, joint ventures, franchises, operations under assumed names, Web sites, or other Person(s) over which the Firm exercises or has exercised supervision or control since January 1, 2009. When responding to these Information Requests, separately provide all information for the Firm and each related Person(s) identified in response to Request B2.

3. Has more than one Person identified in response to Request B2 engaged in Assertions against the same Person? (Y/N) If yes, name the Person(s) identified in response to Request B2 that made the Assertions, name the Person subject to the Assertions, state the date of each Assertion; and identify the Patent(s) related to each Assertion.

4. Identify each Person(s) with a contractual or other legal right or obligation to a share of revenues, profits, costs or other Economic Interest in the Firm. For each such Person, describe the Person's relationship with the Firm, including their percentage of ownership, control, or other legal entitlement to a share of revenues, profits or financial performance of the Firm and, if relevant, their positions and responsibilities within the Firm.

C. Patent Information

1. For each Patent Held by the Firm since January 1, 2009

a. State the Person within the Firm who Holds the Patent, *e.g.* if the Patent is Held by a Firm subsidiary, state the subsidiary.

b. State the Patent number.

c. State the Patent's priority date.

d. State the application to which the Patent claims earliest priority.

e. Does the Patent expire either 17 years from the date of issuance, if the Patent was filed before June 7, 1995, or 20 years from the priority date, if the Patent was filed after June 7, 1995? (Y/N) If no:

(1) State the Patent's expiration date; and

(2) produce, and provide a narrative response that identifies by Reference Number, Documents sufficient to demonstrate the Patent's expiration date.

f. Has the Patent been subject to review by the Patent and Trademark Office since January 1, 2009? (Y/N) If yes:

(1) Provide the docket number for each review.

g. Do(es) any Person(s) outside the Firm Hold any Legal Rights to the Patent? (Y/N) If yes:

(1) Identify the Person(s) who Hold(s) any Legal Rights to the Patent;

(2) for each Person identified above, provide a narrative response that identifies and describes the Legal Rights Held; and

(3) produce, and provide a narrative response that identifies by Reference Number, all agreements relating to the Legal Rights Held.

h. Do(es) any Person(s) outside the Firm Hold an Economic Interest in the Patent? (Y/N) If yes:

(1) Identify the Person(s) who Hold(s) any Economic Interest in the Patent;

(2) for each Person identified above, provide a narrative response that identifies and describes the Economic Interest Held; and

(3) produce, and provide a narrative response that identifies by Reference Number, all agreements relating to the Economic Interest Held.

i. Does the Firm have an exclusive License to the Patent? (Y/N) If yes:

(1) Produce, and provide a narrative response that identifies by Reference Number, the agreement(s) providing the exclusive License;

(2) produce, and provide a narrative response that identifies by Reference Number, all Reports that evaluate or analyze the Firm's reasons for entering into the exclusive License;

(3) if the exclusive License is limited by geography, list the geographic restrictions; and

(4) if the exclusive License is limited by field of use:

(a) State the specific field of use restriction; and

(b) identify, from the following list, in which sector(s) is the field of use restriction: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

j. Has the Firm Asserted the Patent? (Y/N) If yes:

(1) State whether the patent is a Wireless Patent; and

(2) identify, from the following list, in which sector(s) the Patent was Asserted: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

k. Has the Firm included the Patent in any Demand? (Y/N)

l. Has the Firm brought Litigation involving the Patent? (Y/N)

m. Has the Firm Licensed the Patent to any Person(s)? (Y/N)

n. Has the Firm, or any other Person, assigned a value to the Patent? (Y/N) If yes:

(1) State the date of the most recent valuation;

(2) state the amount of the most recent valuation;

(3) provide a narrative response identifying, by date and amount, all prior valuations by, or on behalf of, the Firm; and

(4) produce, and provide a narrative response that identifies by Reference Number, all related Reports.

o. State the number of known Assignments of the Patent before the Patent was Acquired by the Firm. As part of your response do not include the assignment of Legal Rights to a Patent by a Firm employee who is bound to assign Legal Rights to the Firm at the time of invention.

p. Provide a narrative response identifying all Person(s) to whom the Patent was assigned before the Firm Acquired the Patent and the date(s) of each assignment.

q. State whether the Patent was Asserted in Litigation before the Firm Acquired the Patent. (Y/N) If yes:

(1) State the number of times the Patent was Asserted in Litigation before the Firm Acquired the Patent;

(2) produce, and provide a narrative response that identifies by Reference Number, all agreements relating to the Litigation, including License, settlement, and non-disclosure agreements; and

(3) for each Litigation provide a narrative response:

(a) Identifying the Person(s) who Asserted the Patent;

(b) identifying the jurisdiction and docket number of each Litigation;

(c) identifying all claims that were found infringed, valid, and enforceable;

(d) stating whether an injunction or exclusion order issued; and

(e) stating the amount of any damages awarded.

2. To the extent not otherwise identified in response to the Information Requests, if the Firm has entered into any agreement since January 1, 2009 relating to any Economic Interest or Legal Right to any Patent Held by the Firm, for each agreement

a. Submit the agreement, and provide a narrative response that identifies it by Reference Number; and

b. Submit all Reports that evaluate or analyze the reasons for entering into the agreement, and provide a narrative response that identifies the Reference Number(s) of the Reports.

D. Standard Setting Commitments

1. If any Person has committed to a Standard Setting Organization that it will License any Patent(s) Held by the Firm since January 1, 2009, for *each* commitment

a. State the date the commitment was made.

b. Identify the Person who made the commitment.

c. Identify the Standard Setting Organization.

d. Identify the standard(s) to which the commitment applies.

e. Provide a narrative response identifying any Wireless Patents held by the Firm that are subject to the commitment.

f. State whether the commitment is to License the Patent(s) or any Patent claim(s) on reasonable and non-discriminatory (RAND); fair, reasonable, and non-discriminatory (FRAND); royalty-free (RF); or other terms.

(1) if the commitment is to License on terms other than RAND, FRAND, or RF, provide a narrative response describing the terms.

g. Is the commitment subject to a field of use restriction? (Y/N) If yes:

(1) State the specific field of use restriction(s); and

(2) identify, from the following list, in which sector(s) is the field of use restriction: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

h. Provide a narrative response listing all Patent(s) that any Person has declared, or otherwise identified to any Person, as subject to the commitment.

i. Produce, and provide a narrative response identifying by Reference Number, all agreements embodying the commitment.

E. Patent Portfolio Information

1. For each Patent Portfolio Held by the Firm since January 1, 2009

a. Has the Firm organized the Portfolio by field of use? (Y/N) If yes:

(1) State the specific field of use; and

(2) identify, from the following list, in which sector(s) is the field of use: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

b. Does the Firm identify the Patent(s) included in the Patent Portfolio? (Y/N) If yes:

(1) provide a narrative response stating the numbers of the Patents included in the Patent Portfolio.

c. Has the Firm assigned a value to the Patent Portfolio? (Y/N) If yes:

(1) State the date of the most recent valuation;

(2) state the amount of the most recent valuation;

(3) provide a narrative response identifying, by date and amount, all prior valuations by, or on behalf of, the Firm; and

(4) produce, and provide a narrative response identifying by Reference Number, all related Reports.

d. Produce, and provide a narrative response identifying by Reference Number, all Reports that evaluate how the Firm organizes and names the Portfolio and the Firm's reasons or business strategy for organizing the Patent Portfolio and for allocating specific Patent(s) into any identified Patent Portfolio.

e. To the extent not identified above, provide a narrative response describing how the Firm organizes and names the Portfolio.

F. Patent Acquisition Information

1. For each transaction in which the Firm Acquired Patent(s) since January 1, 2009

a. State the date of the transaction.

b. State the Person who Acquired the Patent(s).

c. State the Person(s) from whom the Patent(s) were Acquired.

(1) did the Firm Acquire the Patent(s) from a named inventor of the Patent? (Y/N)

(2) did the Firm Acquire the Patent(s) from an employer of the named inventor? (Y/N)

(3) did the Firm Acquire the Patent from a Person that the Firm identifies as a Patent Assertion Entity? (Y/N)

d. State the total number of Patents Acquired in this transaction.

e. Did the Firm Acquire any Wireless Patent(s) in this transaction? (Y/N)

f. For *each* Patent Acquired in the transaction:

(1) State the Patent Number.

(2) did the Firm assign the Patent in connection with this transaction? (Y/N) If yes:

(a) was the assignment recorded with the United States Patent and Trademark Office? (Y/N)

(3) did the Firm obtain an exclusive License to the Patent in connection with the transaction? (Y/N)

(4) did the Firm License the Patent back to its previous owner? (Y/N)

g. Did the Firm assume existing License obligations for the Patent(s)? (Y/N) If yes:

(1) State the total number of License obligations assumed;

(2) state the total revenue obtained by the Firm as a result of assuming existing License obligations to the date of this request; and

(3) state the total revenue expected to be obtained by the Firm in the future as a result of assuming existing License obligations.

h. Did the Firm Acquire the Patent(s) in connection with any proceeding before a United States Bankruptcy Court? (Y/N) If yes:

(1) State the jurisdiction; and

(2) state the docket number.

i. For *each* Person receiving payment as a result of this transaction:

(1) State the Person to whom the payment was made.

(a) was the Person a named inventor of a Patent included in the transaction? (Y/N)

(b) was the Person an employer of a named inventor of a Patent included in the transaction? (Y/N)

(c) was the Patent(s) Acquired from the Person? (Y/N)

(2) did the Firm make a lump-sum payment(s), *i.e.* a payment not directly affected by the Firm's future revenue or unit sales, to this Person to Acquire the Patents? (Y/N) If yes:

(a) State the total amount of the lump-sum payment(s) made;

(b) state the total amount of the lump-sum payment(s) expected to be made in the future;

(c) if any agreement defines the lump-sum payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement; and

(d) provide a narrative response describing the method for calculating the payment.

(3) did the Firm pay, or is the Firm expecting to pay, an on-going payment, *i.e.,* a payment that is directly affected by either the Firm's future revenue or unit sales, to this Person to Acquire the Patent(s)? (Y/N) If yes:

(a) State the total amount paid in on-going payments, by calendar year, to the date of this Request;

(b) state the total amount from on-going payments expected to be made in the future derived from the Patents Acquired;

(c) if any agreement defines the payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement; and

(d) provide a narrative response describing the method for calculating the past and future ongoing payment(s).

j. Does the Acquisition involve a cross-License? (Y/N) If yes:

(1) State the date of the cross-License agreement.

(2) has the Firm assigned a value to the cross-License? (Y/N) If yes:

(a) State the date of the most recent valuation;

(b) state the amount of the most recent valuation;

(c) provide a narrative response identifying, by date and amount, all prior valuations by, or on behalf of, the Firm; and

(d) produce, and provide a narrative response identifying by Reference Number, all related Reports.

(3) produce, and provide a narrative response identifying by Reference Number, the cross-License; and

(4) produce, and provide a narrative response identifying by Reference Number, all related Reports.

k. Did any Person outside the Firm financially contribute to the Acquisition? (Y/N) If yes:

(1) State the Person(s) who contributed to the Acquisition;

(2) state the total amount contributed by other Person(s) to the Acquisition;

(3) state the total amount expected to be contributed by other Person(s) in the future as a result of the Acquisition;

(4) produce, and provide a narrative response identifying by Reference Number, all related agreements;

(5) produce, and provide a narrative response identifying by Reference Number, all related Reports; and

(6) for each Person identified, provide a narrative response stating each Person's financial contribution, the method for calculating this amount, and each Person's Legal Right to the Patent(s).

l. Do(es) any Person(s) outside the Firm Hold any Legal Rights to any of the Patents Acquired in this transaction? (Y/N) If yes:

(1) State the Person(s) who Holds any Legal Rights to any Acquired Patents;

(2) produce, and provide a narrative response identifying by Reference Number, all related agreements;

(3) produce, and provide a narrative response identifying by Reference Number, all related Reports; and

(4) for each Person identified, provide a narrative response identifying each Person's Legal Rights, and the Patent(s) to which the Person Holds each Legal Right.

m. Produce, and provide a narrative response identifying by Reference Number, all Reports related to the Acquisition.

n. Produce, and provide a narrative response identifying by Reference Number, all agreements related to the Acquisition.

2. To the extent not identified in these Information Requests, produce, and provide a narrative response identifying by Reference Number, all agreements between the Firm and any Person executed since January 1, 2009 relating to any Acquisition by the Firm of any Legal Right to a Patent

a. for any such agreement produced, also produce, and provide a narrative response identifying by Reference Number, all Reports that (i) evaluate or analyze the reasons for entering into the agreement or (ii) evaluate or analyze the calculation of any payment relating to the Acquisition.

G. Patent Transfer Information

1. For each transaction in which the Firm Transferred Patent(s) since January 1, 2009

a. State the date of the transaction.

b. State the Person(s) who Transferred the Patent(s).

c. State the Person(s) to whom the Patent(s) were Transferred.

(1) did the Firm Transfer the Patent(s) to a Person that the Firm identifies as a Patent Assertion Entity? (Y/N)

d. State the total number of Patent(s) Transferred in the transaction.

e. Did the Firm transfer any Wireless Patent(s) in this transaction? (Y/N)

f. For *each* Patent Transferred in the transaction:

(1) State the Patent number.

(2) did the Firm assign the Patent in connection with the transaction? (Y/N) If yes:

(a) was the assignment recorded with the United States Patent and Trademark Office? (Y/N)

(3) did the Firm grant an exclusive License to the Patent(s) in connection with the transaction? (Y/N)

g. Did the Firm transfer existing License obligations to the Patent(s)? (Y/N) If yes:

(1) State the total number of License obligations transferred; and

(2) state the total revenue received by the Firm from these Licenses.

h. Did the Firm Transfer the Patent(s) in connection with any proceeding before a United States Bankruptcy Court? (Y/N) If yes:

(1) State the jurisdiction; and

(2) state the docket number.

i. Was the Firm paid a lump-sum payment(s), *i.e.* a payment not directly affected by the transferee's future revenue or unit sales, to Transfer the Patent(s)? (Y/N) If yes, for *each* Person making payments to the Firm:

(1) State the Person from whom the payment(s) was received;

(2) state the total amount of the lump-sum payment(s) received;

(3) state the total amount of the lump-sum payment(s) expected to be received in the future;

(4) if any agreement(s) define(s) the payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement(s); and

(5) provide a narrative response describing the method for calculating the payment(s).

j. Did the Firm receive, or is it receiving, an on-going payment, *i.e.,* a payment that is directly affected by either the transferee's future revenue or unit sales, from the Person(s) receiving the Patent(s)? (Y/N) If yes, for *each* Person making payments to the Firm:

(1) State the Person(s) from whom the payment(s) are received;

(2) state the total amount of the on-going payments received from this Person(s), by calendar year, made to the date of this Request;

(3) state the total amount of on-going payments expected to be received in the future;

(4) if any agreement(s) define(s) the payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement(s); and

(5) provide a narrative response describing the method for calculating the on-going payment(s).

k. Does the Transfer involve a cross-License? (Y/N) If yes:

(1) State the date of the cross-License agreement;

(2) has the Firm assigned a value to the cross-License? (Y/N) If yes:

(a) State the date of the most recent valuation;

(b) state the amount of the most recent valuation;

(c) provide a narrative response identifying, by date and amount,, all prior valuations by, or on behalf of, the Firm; and

(d) produce, and provide a narrative response identifying by Reference Number, all related Reports.

(3) produce, and provide a narrative response identifying by Reference Number, the cross-License; and

(4) produce, and provide a narrative response identifying by Reference Number, all related Reports.

l. Did any Person outside the Firm share in the proceeds from the Transfer? (Y/N) If yes:

(1) State the Person(s) who shared in the proceeds from the Transfer;

(2) state the total amount shared with other Person(s) to the date of this Request;

(3) state the total amount expected to be shared with other Person(s) in the future;

(4) produce, and provide a narrative response identifying by Reference Number, all related agreements;

(5) produce, and provide a narrative response identifying by Reference Number, all related Reports; and

(6) for each Person identified, provide a narrative response stating the amount shared with each Person, the amount expected to be shared in the future, and the method for calculating this amount.

m. Produce, and provide a narrative response identifying by Reference Number, all Reports related to the Transfer.

n. Produce, and provide a narrative response identifying by Reference Number, all agreements related to the Transfer.

2. To the extent not identified in these Information Requests, produce, and provide a narrative response identifying by Reference Number, all agreements between the Firm and any Person executed since January 1, 2009 relating to any Transfer by the Firm of any Legal Right to a Patent.

a. For any such agreement produced, also produce, and provide a narrative response identifying by Reference Number, all Reports that (i) evaluate or analyze the reasons for entering into the agreement or (ii) evaluate or analyze the calculation of any payment relating to the Acquisition.

H. Patent Assertion Information

1. *Demand Information:* For each Demand made by, or on behalf of, the Firm since January 1, 2009.

a. State the date of the Demand.

b. State the Person(s) who made the Demand, *e.g.* the Firm or one of its related Person(s).

c. State the Person(s) to whom the Demand was made.

d. State the Patent(s) that formed the basis of the Demand.

e. Did the Demand relate to a Wireless Patent? (Y/N)

f. Identify, from the following list, in which sector(s) the Demand was made: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

g. Was the Demand limited to geographic area(s)? (Y/N) If yes:

(1) Identify the geographic area(s).

h. State all accused product(s) relating to the Demand.

i. Produce, and provide a narrative response identifying by Reference Number, a copy of each Demand Document and all appendices, including, but not limited to, claim charts, and all Reports related to the Demand.

2. *Litigation Information:* For *each* Litigation commenced since January 1, 2009 relating to a Patent Held by the Firm, or a Patent in which the Firm has an Economic Interest, *separately* for *each* Person (collectively including its parents, subsidiaries, and affiliates) named as a defendant (if the Firm is a plaintiff) or as a declaratory judgment plaintiff (if the Firm is a defendant).

a. State the jurisdiction in which the Litigation was commenced.

b. State the docket number of the Litigation.

c. State the date the Litigation was commenced.

d. State all plaintiffs named or otherwise joined in the Litigation.

e. State the defendant (including parents, subsidiaries, and affiliates) named or otherwise joined in the Litigation.

f. State all Patents Asserted.

g. Was any Patent Asserted a Wireless Patent? (Y/N)

h. Identify, from the following list, in which sector(s) the Patents were asserted: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

i. Produce, and provide a narrative response identifying by Reference Number, all orders relating to all dispositive motions.

j. Produce, and provide a narrative response identifying by Reference Number, all expert reports exchanged during Litigation that offer an opinion related to the valuation of the Patent(s) or damages relating to the Litigation.

k. Is the Litigation pending? (Y/N) If no:

(1) State the date of termination.

(2) state whether the Litigation terminated upon successful dispositive motion, jury verdict, judgment following trial on the merits, appeal, settlement, or other (if other, explain).

(3) provide a narrative response identifying all Patent claims found infringed, valid, and enforceable.

(4) did a permanent injunction, exclusion order, or cease and desist order issue? (Y/N)

(5) did the court award damages? (Y/N) If yes:

(a) State the amount awarded; and

(b) state the amount actually paid to the prevailing party.

(6) did the court award fees pursuant to 35 U.S.C. 285? (Y/N) If yes:

(a) State the fees awarded; and

(b) state the amount actually paid to the prevailing party.

(7) did the court issue sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure? (Y/N)

(8) did the Litigation terminate upon exhaustion of appellate process? (Y/N)

l. Did the Litigation settle? (Y/N) If yes:

(1) Did the settlement result in a License agreement? (Y/N) If yes:

(a) State the date of the License agreement;

(b) state the Licensee; and

(c) state the Licensor.

(2) when was settlement reached: after the complaint was filed; after a successful dispositive motion, after a jury verdict, after judgment following trial on the merits, after appeal, or other (if other, explain)?

(3) did the Court issue an order construing any claim(s) of the Patent(s) Asserted before settlement was reached? (Y/N) If yes:

(a) Produce, and provide a narrative response identifying by Reference Number, the order.

(4) state the total revenue the Firm has received under the terms of the settlement agreement from January 1, 2009 to the date of this Request. *Do not report revenue reported for any License identified in response to H.3 below.*

(a) was any part of this revenue received as a lump-sum payment, *i.e.* a payment not directly affected by the defendant's future revenue or unit sales? (Y/N) If yes:

(1) State the total revenue the Firm has received to the date of this request in lump-sum payments; and

(2) state the total revenue the Firm expects to receive in the future in lump-sum payments.

(b) was any part of this revenue received as an on-going payment, *i.e.,* a payment that is directly affected by either the defendant's future revenue or unit sales? (Y/N) If yes:

(1) State the total revenue the Firm has received to the date of this request in on-going payments; and

(2) state the total revenue the Firm expects to receive in the future as on-going payments.

(c) is this revenue shared with anyone outside the Firm? (Y/N) If yes:

(1) State the total amount shared outside the Firm.

(2) if the revenue is part of an ongoing payment, state the total amount the Firm expects to share in the future.

(3) is any revenue shared pursuant to a contingency fee or risk-sharing agreement? (Y/N) If yes:

(A) State the total amount shared pursuant to a contingency fee or risk-sharing agreement;

(B) state the Person(s) outside the Firm who is party to the agreement; and

(C) provide a narrative response stating the amount the Firm shared with each Person, the amount the Firm expects to share in the future, and describing the method for calculating this amount.

(4) state all Person(s) with whom this revenue is shared.

(A) are any of these Person(s) the named inventor of any Patent Asserted in the Litigation? (Y/N)

(B) are any of these Person(s) the employer of the named inventor of any Patent Asserted in the Litigation? (Y/N)

(5) produce, and provide a narrative response identifying by Reference Number, all revenue sharing agreements.

(6) provide a narrative response stating the amount shared with each Person and describing the method for calculating this amount.

m. State the Firm's total expenses relating to the Litigation from January 1, 2009 to the date of this Request.

(1) are these expenses shared with any Person(s) outside the Firm? (Y/N) If yes:

(a) State the total amount of expenses shared outside the Firm;

(b) identify all Person(s) with whom expenses are shared;

(c) produce, and provide a narrative response identifying by Reference Number, all expense sharing agreements;

(d) produce, and provide a narrative response identifying by Reference Number, all Reports related to all expense sharing agreements; and

(e) provide a narrative response stating the amount shared with each Person and describing the method for calculating this amount.

n. State all projected revenues relating to the Litigation from the date of this Request.

(1) provide a narrative response describing the method for calculating the projected revenue, *e.g.* as a fraction of revenue or a fee per unit sold.

o. To the extent not identified above, produce, and provide a narrative response identifying by Reference Number, all agreements related to the Litigation and produce, and provide a narrative response identifying by Reference Number, all Reports related to the Litigation.

3. *License Information:* For each License executed since January 1, 2009 relating to a Patent Held by the Firm or a Patent in which the Firm has an Economic Interest

a. Who is the Licensor(s)?

b. Who is the Licensee(s)?

c. Identify all Patent(s) Licensed.

d. What is the effective date of the License agreement?

e. Does the License relate to a Patent Held by the Firm? (Y/N)

f. Does the License relate to a Wireless Patent Held by the Firm? (Y/N)

g. Does the License relate to a Patent in which the Firm has an Economic Interest? (Y/N)

h. Does the License relate to a Wireless Patent in which the Firm has an Economic Interest? (Y/N)

i. For each Litigation related to the License:

(1) State the jurisdiction in which the Litigation was commenced.

(2) state the docket number of the Litigation.

j. Does the License contain a field of use restriction? (Y/N) If yes:

(1) State the specific field of use restriction; and

(2) identify, from the following list, in which sector(s) is the field of use restriction: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

k. Does the License contain a geographic restriction? (Y/N) If yes:

(1) Identify the geographic restriction(s).

l. State the duration of the License agreement?

m. State the Licensed products or services.

n. Does the License include any cross-License? (Y/N) If yes:

(1) has the Firm assigned a value to the cross-License? (Y/N) If yes:

(a) State the date of the most recent valuation; and

(b) state the amount of the most recent valuation; and

(c) provide a narrative response identifying by date and amount all prior valuations by, or on behalf of, the Firm; and

(d) produce, and provide a narrative response identifying by Reference Number, all related Reports.

(2) produce, and provide a narrative response identifying by Reference Number, the cross-License.

(3) provide a narrative response identifying the number of Patents cross-Licensed, as well as whether the cross-License is exclusive, whether there are any geographic limitations to the cross-License, whether there are any field of use limitations to the cross-License, and whether the field of use restriction is in the following sectors: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

o. State the total revenue the Firm has received under the terms of the License from January 1, 2009 to the date of this Request.

(1) was any part of this revenue received as a lump-sum payment, *i.e.* a payment not directly affected by the defendant's future revenue or unit sales? (Y/N) If yes:

(a) State the total revenue the Firm has received to the date of this request in lump-sum payments.

(2) was any part of this revenue received as an on-going payment, *i.e.,* a payment that is directly affected by either the defendant's future revenue or unit sales? (Y/N) If yes:

(a) State the total revenue the Firm has received to the date of this request in on-going payments.

(3) is this revenue shared with anyone outside the Firm? (Y/N) If yes:

(a) State the total amount shared outside the Firm.

(b) if the revenue is part of an ongoing payment, state the total amount the Firm expects to share in the future.

(c) state all Person(s) with whom this revenue is shared.

(1) are any of these Person(s) the named inventor of any of the Licensed Patents? (Y/N)

(2) are any of these Person(s) the employer of the named inventor of any of the Licensed Patents? (Y/N)

(d) produce, and provide a narrative response identifying by Reference Number, all revenue sharing agreements.

(e) provide a narrative response stating the amount the Firm shared with each Person and the amount the Firm expects to share in the future and describing the method for calculating this amount.

p. State the Firm's total expenses relating to the License agreement from January 1, 2009 to the date of this Request.

(1) are these expenses shared with any Person(s) outside the Firm? (Y/N) If yes:

(a) State the total amount of expenses shared outside the Firm;

(b) identify all Person(s) with whom expenses are shared;

(c) produce, and provide a narrative response identifying by Reference Number, all expense sharing agreements;

(d) produce, and provide a narrative response identifying by Reference Number, all Reports related to all expense sharing agreements; and

(e) provide a narrative response stating the amount of expenses shared with each Person and describing the method for calculating this amount.

q. State all projected revenues relating to the License from the date of this Request.

(1) provide a narrative response describing the method for calculating the projected revenue, *e.g.* as a fraction of revenue or a fee per unit sold.

r. Produce, and provide a narrative response identifying by Reference Number, all Reports related to the License.

s. Produce, and provide a narrative response identifying by Reference Number, all agreements related to the License.

4. To the extent not identified above, produce, and provide a narrative response identifying by Reference Number, all agreements related to any Assertion relating to a Patent Held by the Firm, or a Patent in which the Firm has an Economic Interest and produce, and provide a narrative response identifying by Reference Number, all related Reports

I. Aggregate Cost Information

1. Separately, for each year since January 1, 2009

a. State the total cost to the Firm relating to all Acquisitions identified in response to Request F.

(1) did the Firm share Acquisition costs with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom these costs are shared;

(b) state the total amount paid by Person(s) outside the Firm; and

(c) state the total amount paid by the Firm.

b. State the total cost to the Firm relating to all Litigations identified in response to Request H.2.

(1) did the Firm share Litigation costs with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom these costs are shared;

(b) state the total amount paid by Person(s) outside the Firm; and

(c) state the total amount paid by the Firm.

c. State the total cost to the Firm relating to all Licenses identified in response to Request H.3.

(1) did the Firm share License costs with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom these costs are shared;

(b) state the total amount paid by Person(s) outside the Firm; and

(c) state the total amount paid by the Firm.

2. For all forecasted costs expected to be paid after the date of this Request

a. State the total cost expected to be paid by the Firm relating to all Acquisitions identified in Request F.

b. State the total cost expected to be paid by all other Person(s) outside the Firm relating to all Acquisitions identified in Request F.

c. State the total cost expected to be paid by the Firm relating to all Litigations identified in Request H.2.

d. State the total cost expected to be paid by all other Person(s) outside the Firm relating to all Litigations identified in Request H.2.

e. State the total cost expected to be paid by the Firm relating to all License Agreements identified in Request H.3.

f. State the total cost expected to be paid by all other Person(s) outside with the Firm relating to all License Agreements identified in Request H.3.

g. Produce, and provide a narrative response identifying by Reference Number, all Reports related to all forecasted costs identified in response to this Request.

3. Since January 1, 2009, has the Firm engaged in any research and development related to the Patents identified in Request C? (Y/N) If yes:

a. What is the total cost of the Firms' research and development activity?

b. Produce, and provide a narrative response identifying by Reference Number, Documents sufficient to show the total cost of the Firms' research and development activity.

4. Produce, and provide a narrative response identifying by Reference Number, Documents sufficient to show all costs and payments identified in response to Request I

5. Has the Firm made any payment related to the Acquisition of any Patent by any Person not otherwise identified in response to these Requests? (Y/N) If yes:

a. State the Person(s) to whom the payments were made;

b. State the total amount paid;

c. State the total amount expected to be paid in the future; and

d. For each Person who received payments from the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Acquisition.

J. Aggregate Revenue Information

1. Separately, for each year since January 1, 2009

a. State the total revenue received by the Firm relating to all Transfers identified in response to Request G.

(1) did the Firm share Transfer revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the amount of revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

b. State the total revenue received by the Firm relating to all Litigations identified in response to Request H.2.

(1) did the Firm share Litigation revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the total revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

c. State the total revenue received by the Firm relating to all Licenses identified in response to Request H.3.

(1) did the Firm share License revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the total revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

2. For all forecasted revenues expected to be received by the Firm after the date of this Request

a. State the total revenue expected to be received by the Firm relating to all Transfers identified in Request G.

b. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all Transfers identified in Request G.

c. State the total revenue expected to be received by the Firm relating to all Litigations identified in Request H.

d. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all Litigations identified in Request H.2.

e. State the total revenue expected to be received by the Firm relating to all License Agreements identified in Request H.3.

f. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all License Agreements identified in Request H.3.

3. Produce, and provide a narrative response identifying by Reference Number, Documents sufficient to show all revenue identified in response to Request J

4. Produce, and provide a narrative response identifying by Reference Number, all Reports related to all forecasted revenues identified in response to Request J

5. Has the Firm received any revenue, either directly or indirectly, from the Assertion of any Patent by any Person not otherwise identified in response these requests? (Y/N) If yes:

a. State the Person(s) who paid this revenue to the Firm;

b. State the total amount of revenue received;

c. State the total amount of revenue expected to be received in the future; and

d. For each Person who paid this revenue to the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Assertion.

6. Has the Firm received any revenue, either directly or indirectly, from the Acquisition of any Patent by any Person not otherwise identified in response these requests? (Y/N) If yes:

a. State the Person(s) who paid this revenue to the Firm;

b. State the total amount of revenue received;

c. State the total amount of revenue expected to be received in the future; and

d. For each Person who paid this revenue to the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Acquisition.

7. Has the Firm received any revenue, either directly or indirectly, from the Transfer of any Patent by any Person not otherwise identified in response these requests? (Y/N) If yes:

a. State the Person(s) who paid this revenue to the Firm;

b. State the total amount of revenue received;

c. State the total amount of revenue expected to be received in the future; and

d. For each Person who paid this revenue to the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Transfer.

Information Requests Directed to Approximately 15 Manufacturing Firms and NPEs Asserting Patents in the Wireless Sector:

The FTC will have Manufacturing Firms and NPEs respond to the following information requests:

K. Identification of Report Author

Identify by full name, title, business address, telephone number, email address, and official capacity the Person(s) who prepared or supervised the preparation of the Firm's response to the Information Requests.

L. Firm Information

1. State the Firm's complete legal name and all other names under which it has done business since January 1, 2009, its corporate mailing address, all addresses and Web sites from which it does or has done business since January 1, 2009, and the date(s) and state(s) of its incorporation.

2. Describe the Firm's business and corporate structure, provide an organizational chart stating the names of all parents, wholly or partially owned subsidiaries, incorporated or unincorporated divisions, affiliates, branches, joint ventures, franchises, operations under assumed names, Web sites, or other Person(s) over which the Firm exercises or has exercised supervision or control since January 1, 2009 who Assert Wireless Patents. When responding to these Information Requests, separately provide all information for the Firm and each related Person(s) identified in response to Request L2.

3. Has more than one Person identified in response to Request L2 engaged in Assertions relating to Wireless Patents against the same Person. (Y/N) If yes, name the Person(s) identified in response to Request L2 that made the Assertions, name the Person subject to the Assertions, state the date of each Assertion; and identify the Wireless Patent(s) related to each Assertion.

4. If the Firm is an exclusive Licensee to any Wireless Patent(s), produce, and provide a narrative response identifying by Reference Number, the License, state whether there are any geographic limitations to the License, whether there are any field of use limitations to the License, and whether the field of use restriction is in the following sectors: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other, and produce, and provide a narrative response identifying by Reference Number, all related Reports.

M. Standard Setting Commitments

1. If any Person has committed to a Standard Setting Organization that it will License any Wireless Patent(s) Held by the Firm since January 1, 2009, for *each* commitment

a. State the date the commitment was made.

b. Identify the Person who made the commitment.

c. Identify the Standard Setting Organization.

d. Identify the standard(s) to which the commitment applies.

e. State whether the commitment is to License the Wireless Patent(s) or any Patent claim(s) on reasonable and non-discriminatory (RAND); fair, reasonable, and non-discriminatory (FRAND); royalty-free (RF); or other terms.

(1) if the commitment is to License on terms other than RAND, FRAND, or RF, provide a narrative response describing the terms.

f. Is the commitment subject to a field of use restriction? (Y/N) If yes:

(1) State the specific field of use restriction(s); and

(2) identify, from the following list, in which sector(s) is the field of use restriction: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

g. Provide a narrative response listing all Patent(s) that any Person has declared, or otherwise identified to any Person, as subject to the commitment.

h. Produce, and provide a narrative response identifying by Reference Number, all agreements embodying the commitment.

N. Patent Transfer Information

1. For each transaction in which the Firm Transferred Wireless Patent(s) since January 1, 2009

a. State the date of the transaction.

b. State the Person(s) who Transferred the Patent(s).

c. State the Person(s) to whom the Patent(s) were Transferred.

(1) did the Firm Transfer the Patent(s) to a Person that the Firm identifies as a Patent Assertion Entity? (Y/N)

d. State the total number of Patent(s) Transferred in the transaction.

e. For *each* Patent Transferred in the transaction:

(1) State the Patent number.

(2) did the Firm assign the Patent in connection with the transaction? (Y/N) If yes:

(a) Was the assignment recorded with the United States Patent and Trademark Office? (Y/N)

(3) did the Firm grant an exclusive License to the Patent(s) in connection with the transaction? (Y/N)

f. Did the Firm transfer existing License obligations to the Patent(s)? (Y/N) If yes:

(1) State the total number of License obligations transferred; and

(2) state the total revenue received by the Firm from these Licenses.

g. Did the Firm Transfer the Patent(s) in connection with any proceeding before a United States Bankruptcy Court? (Y/N) If yes:

(1) State the jurisdiction; and

(2) state the docket number.

h. Was the Firm paid a lump-sum payment(s), *i.e.* a payment not directly affected by the transferee's future revenue or unit sales, to Transfer the Patent(s)? (Y/N) If yes, for *each* Person making payments to the Firm:

(1) State the Person from whom the payment was received;

(2) state the total amount of the lump-sum payment(s) received;

(3) state the total amount of the lump-sum payment(s) expected to be received in the future;

(4) if any agreement(s) define(s) the payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement(s); and

(5) provide a narrative response describing the method for calculating the payment(s).

i. Did the Firm receive, or is it receiving, an on-going payment, *i.e.,* a payment that is directly affected by either the transferee's future revenue or unit sales, from the Person(s) receiving the Patent(s)? (Y/N) If yes, for *each* Person making payments to the Firm:

(1) State the Person(s) from whom the payment(s) are received;

(2) state the total amount of the on-going payments received from this Person(s), by calendar year, made to the date of this Request;

(3) state the total amount of payments expected to be received in the future;

(4) if any agreement(s) define(s) the payment terms, produce, and provide a narrative response identifying by Reference Number, the agreement(s); and

(5) provide a narrative response describing the method for calculating the on-going payment(s).

j. Does the Transfer involve a cross-License? (Y/N) If yes:

(1) State the date of the cross-License agreement.

(2) Has the Firm assigned a value to the cross-License? (Y/N) If yes:

(a) State the date of the most recent valuation;

(b) state the amount of the most recent valuation;

(c) provide a narrative response identifying by date and amount all prior valuations by, or on behalf of, the Firm; and

(d) produce, and provide a narrative response identifying by Reference Number, all related Reports.

(3) produce, and provide a narrative response identifying by Reference Number, the cross-License; and

(4) produce, and provide a narrative response identifying by Reference Number, all related Reports.

k. Did any Person outside the Firm share in the proceeds from the Transfer? (Y/N) If yes:

(1) State the Person(s) who shared in the proceeds from the Transfer;

(2) state the total amount shared with other Person(s) to the date of this Request;

(3) state the total amount expected to be shared with other Person(s) in the future;

(4) produce, and provide a narrative response identifying by Reference Number, all related agreements;

(5) produce, and provide a narrative response identifying by Reference Number, all related Reports; and

(6) for each Person identified, provide a narrative response stating the amount shared with each Person, the amount expected to be shared in the future, and the method for calculating this amount.

l. Produce, and provide a narrative response identifying by Reference Number, all Reports related to the Transfer.

m. Produce, and provide a narrative response identifying by Reference Number, all agreements related to the Transfer.

2. To the extent not identified in these Information Requests, produce, and provide a narrative response identifying by Reference Number, all agreements between the Firm and any Person executed since January 1, 2009 relating to any Transfer by the Firm of any Legal Right to a Patent.

a. For any such agreement produced, also produce, and provide a narrative response identifying by Reference Number, all Reports that (i) evaluate or analyze the reasons for entering into the agreement or (ii) evaluate or analyze the calculation of any payment relating to the Acquisition.

O. Patent Assertion Information

1. *Demand Information:* For each Demand made by, or on behalf of, the Firm since January 1, 2009, relating to Wireless Patent(s)

a. State the date of the Demand.

b. State the Person(s) who made the Demand, *e.g.* the Firm or one of its related Person(s).

c. State the Person(s) to whom the Demand was made.

d. State the Patent(s) that formed the basis of the Demand.

e. Identify, from the following list, in which sector(s) the Demand was made: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

f. Was the Demand limited to geographic area(s)? (Y/N) If yes:

(1) Identify the geographic area(s).

g. State all accused product(s) relating to the Demand.

h. Produce, and provide a narrative response identifying by Reference Number, a copy of each Demand Document and all appendices, including, but not limited to, claim charts, and all Reports related to the Demand.

2. *Litigation Information:* For *each* Litigation commenced since January 1, 2009 relating to a Wireless Patent Held by the Firm, or a Wireless Patent in which the Firm has an Economic Interest, *separately* for *each* Person (collectively including its parents, subsidiaries, and affiliates) named as a defendant (if the Firm is a plaintiff) or as a declaratory judgment plaintiff (if the Firm is a defendant)

a. State the jurisdiction in which the Litigation was commenced.

b. State the docket number of the Litigation.

c. State the date the Litigation was commenced.

d. State all plaintiffs named or otherwise joined in the Litigation.

e. State the defendant (including parents, subsidiaries, and affiliates) named or otherwise joined in the Litigation.

f. State all Patents Asserted.

g. Identify, from the following list, in which sector(s) the Patents were asserted: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

h. Produce, and provide a narrative response identifying by Reference Number, all orders relating to all dispositive motions.

i. Produce, and provide a narrative response identifying by Reference Number, all expert reports exchanged during Litigation that offer an opinion related to the valuation of the Patent(s) or damages relating to the Litigation.

j. Is the Litigation pending? (Y/N) If no:

(1) State the date of termination.

(2) state whether the Litigation terminated upon successful dispositive motion, jury verdict, judgment following trial on the merits, appeal, settlement, or other (if other, explain).

(3) provide a narrative response identifying all Patent claims found infringed, valid, and enforceable.

(4) did a permanent injunction, exclusion order, or cease and desist order issue? (Y/N)

(5) did the court award damages? (Y/N) If yes:

(a) State the amount awarded; and

(b) state the amount actually paid to the prevailing party.

(6) did the court award fees pursuant to 35 U.S.C. 285? (Y/N) If yes:

(a) State the fees awarded; and

(b) state the amount actually paid to the prevailing party.

(7) did the court issue sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure? (Y/N)

(8) did the Litigation terminate upon exhaustion of appellate process? (Y/N)

k. Did the Litigation settle? (Y/N) If yes:

(1) Did the settlement result in a License agreement? (Y/N) If yes:

(a) State the date of the License agreement;

(b) state the Licensee; and

(c) state the Licensor.

(2) when was settlement reached: after the complaint was filed; after a successful dispositive motion, after a jury verdict, after judgment following trial on the merits, after appeal, or other (if other, explain)?

(3) did the Court issue an order construing any claim(s) of the Patent(s) Asserted before settlement was reached? (Y/N) If yes:

(a) Produce, and provide a narrative response identifying by Reference Number, the order.

(4) state the total revenue the Firm has received under the terms of the settlement agreement from January 1, 2009 to the date of this Request. *Do not report revenue reported for any License identified in response to N.3 below.*

(a) was any part of this revenue received as a lump-sum payment, *i.e.* a payment not directly affected by the defendant's future revenue or unit sales? (Y/N) If yes:

(1) State the total revenue the Firm has received to the date of this request in lump-sum payments; and

(2) state the total revenue the Firm expects to receive in lump-sum payments in the future.

(b) was any part of this revenue received as an on-going payment, *i.e.,* a payment that is directly affected by either the defendant's future revenue or unit sales? (Y/N) If yes:

(1) State the total revenue the Firm has received to the date of this request in on-going payments; and

(2) state the total revenue the Firm expects to receive in on-going payments in the future.

(c) is this revenue shared with anyone outside the Firm? (Y/N) If yes:

(1) State the total amount shared outside the Firm.

(2) if the revenue is part of an ongoing payment, state the total amount the Firm expects to share in the future.

(3) is any revenue shared pursuant to a contingency fee or risk-sharing agreement? (Y/N) If yes:

(A) State the total amount shared pursuant to a contingency fee or risk-sharing agreement;

(B) state the Person(s) outside the Firm who is party to the agreement; and

(C) provide a narrative response stating the amount the Firm shared with each Person, the amount the Firm expects to share in the future, and describing the method for calculating this amount.

(4) state all Person(s) with whom this revenue is shared.

(A) are any of these Person(s) the named inventor of any Patent Asserted in the Litigation? (Y/N)

(B) are any of these Person(s) the employer of the named inventor of any Patent Asserted in the Litigation? (Y/N)

(5) produce, and provide a narrative response identifying by Reference Number, all revenue sharing agreements.

(6) provide a narrative response stating the amount shared with each Person and describing the method for calculating this amount.

l. State the Firm's total expenses relating to the Litigation from January 1, 2009 to the date of this Request.

(1) are these expenses shared with any Person(s) outside the Firm? (Y/N) If yes:

(a) State the total amount of expenses shared outside the Firm;

(b) identify all Person(s) with whom expenses are shared;

(c) produce, and provide a narrative response identifying by Reference Number, all expense sharing agreements;

(d) produce, and provide a narrative response identifying by Reference Number, all Reports related to all expense sharing agreements; and

(e) provide a narrative response stating the amount shared with each Person and describing the method for calculating this amount.

m. State all projected revenues relating to the Litigation from the date of this Request.

(1) provide a narrative response describing the method for calculating the projected revenue, *e.g.* as a fraction of revenue or a fee per unit sold.

n. To the extent not identified above, produce, and provide a narrative response identifying by Reference Number, all agreements related to the Litigation and produce, and provide a narrative response identifying by Reference Number, all Reports related to the Litigation.

3. *License Information:* For each License executed since January 1, 2009 relating to a Wireless Patent Held by the Firm or a Wireless Patent in which the Firm has an Economic Interest

a. Who is the Licensor?

b. Who is the Licensee?

c. Identify all Patent(s) Licensed.

d. What is the effective date of the License agreement?

e. Does the License relate to a Wireless Patent Held by the Firm? (Y/N)

f. Does the License relate to a Wireless Patent in which the Firm has an Economic Interest? (Y/N)

g. For each Litigation related to the License:

(1) State the jurisdiction in which the Litigation was commenced.

(2) state the docket number of the Litigation.

h. Does the License contain a field of use restriction? (Y/N) If yes:

(1) State the specific field of use restriction ; and

(2) identify, from the following list, in which sector(s) is the field of use restriction: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

i. Does the License contain a geographic restriction? (Y/N) If yes:

(1) Identify the geographic restriction(s).

j. State the duration of the License agreement?

k. State the Licensed products or services.

l. Does the License include any cross-License? (Y/N) If yes:

(1) Has the Firm assigned a value to the cross-License? (Y/N) If yes:

(a) State the date of the most recent valuation; and

(b) state the amount of the most recent valuation; and

(c) provide a narrative response identifying by date and amount all prior valuations by, or on behalf of, the Firm; and

(d) produce, and provide a narrative response identifying by Reference Number, all related Reports.

(2) produce, and provide a narrative response identifying by Reference Number, the cross-License.

m. Provide a narrative response identifying the number of Patents cross-Licensed, as well as whether the cross-License is exclusive, whether there are any geographic limitations to the cross-License, whether there are any field of use limitations to the cross-License, and whether the field of use restriction is in the following sectors: Chemical, Computers & Communications, Drugs & Medical, Semiconductors, Other Electrical & Electronic, Mechanical, or Other.

n. State the total revenue the Firm has received under the terms of the License from January 1, 2009 to the date of this Request.

(1) was any part of this revenue received as a lump-sum payment, *i.e.* a payment not directly affected by the defendant's future revenue or unit sales? (Y/N) If yes:

(a) State the total revenue the Firm has received to the date of this request in lump-sum payments.

(2) was any part of this revenue received as an on-going payment, *i.e.,* a payment that is directly affected by either the defendant's future revenue or unit sales? (Y/N) If yes:

(a) State the total revenue the Firm has received to the date of this Request in on-going payments.

(3) is this revenue shared with anyone outside the Firm? (Y/N) If yes:

(a) State the total amount shared outside the Firm.

(b) if the revenue is part of an ongoing payment, state the total amount the Firm expects to share in the future.

(c) state all Person(s) with whom this revenue is shared.

(1) are any of these Person(s) the named inventor of any of the Licensed Patents? (Y/N)

(2) are any of these Person(s) the employer of the named inventor of any of the Licensed Patents? (Y/N)

(d) produce, and provide a narrative response identifying by Reference Number, all revenue sharing agreements.

(e) provide a narrative response stating the amount the Firm shared with each Person and the amount the Firm expects to share in the future and describing the method for calculating this amount.

o. State the Firm's total expenses relating to the License agreement from January 1, 2009 to the date of this Request.

(1) are these expenses shared with any Person(s) outside the Firm? (Y/N) If yes:

(a) State the total amount of expenses shared outside the Firm;

(b) identify all Person(s) with whom expenses are shared;

(c) produce, and provide a narrative response identifying by Reference Number, all expense sharing agreements;

(d) produce, and provide a narrative response identifying by Reference Number, all Reports related to all expense sharing agreements; and

(e) provide a narrative response stating the amount of expenses shared with each Person and describing the method for calculating this amount.

p. State all projected revenues relating to the License from the date of this Request.

(1) provide a narrative response describing the method for calculating the projected revenue, *e.g.* as a fraction of revenue or a fee per unit sold.

q. Produce, and provide a narrative response identifying by Reference Number, all Reports related to the License.

r. Produce, and provide a narrative response identifying by Reference Number, all agreements related to the License.

4. To the extent not identified above, produce, and provide a narrative response identifying by Reference Number, all agreements related to any Assertion relating to a Wireless Patent Held by the Firm, or a Wireless Patent in which the Firm has an Economic Interest and produce, and provide a narrative response identifying by Reference Number, all related Reports.

P. Aggregate Cost Information

1. Separately, for each year since January 1, 2009

a. State the total cost to the Firm relating to all Litigations identified in response to Request O.2.

(1) did the Firm share Litigation costs with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom these costs are shared;

(b) state the total amount paid by Person(s) outside the Firm; and

(c) state the total amount paid by the Firm.

b. State the total cost to the Firm relating to all Licenses identified in response to Request O.3.

(1) did the Firm share License costs with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom these costs are shared;

(b) state the total amount paid by Person(s) outside the Firm; and

(c) state the total amount paid by the Firm.

2. For all forecasted costs expected to be paid after the date of this Request

a. State the total cost expected to be paid by the Firm relating to all Litigations identified in Request O.2.

b. State the total cost expected to be paid by all other Person(s) outside the Firm relating to all Litigations identified in Request O.2.

c. State the total cost expected to be paid by the Firm relating to all License Agreements identified in Request O.3.

d. State the total cost expected to be paid by all other Person(s) outside the Firm relating to all License Agreements identified in Request O.3.

e. Produce, and provide a narrative response identifying by Reference Number, all Reports related to all forecasted costs identified in response to this Request.

3. Produce, and provide a narrative response identifying by Reference Number, Documents sufficient to show all costs and payments identified in response to this Request.

Q. Aggregate Revenue Information

1. Separately, for each year since January 1, 2009

a. State the total revenue received by the Firm relating to all Transfers identified in response to Request N.

(1) did the Firm share Transfer revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the amount of revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

b. State the total revenue received by the Firm relating to all Litigations identified in response to Request O.2.

(1) did the Firm share Litigation revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the total revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

c. State the total revenue received by the Firm relating to all Licenses identified in response to Request O.3.

(1) did the Firm share License revenue with Person(s) outside the Firm? (Y/N) If yes:

(a) State all Person(s) with whom this revenue is shared;

(b) state the total revenue shared with Person(s) outside the Firm; and

(c) state the amount retained by the Firm.

2. For all forecasted revenues expected to be received by the Firm after the date of this Request.

a. State the total revenue expected to be received by the Firm relating to all Transfers identified in Request N.

b. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all Transfers identified in Request N.

c. State the total revenue expected to be received by the Firm relating to all Litigations identified in Request O.2.

d. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all Litigations identified in Request O.2.

e. State the total revenue expected to be received by the Firm relating to all License Agreements identified in Request O.3.

f. State the total revenue expected to be received by all other Person(s) outside the Firm relating to all License Agreements identified in Request O.3.

3. Produce, and provide a narrative response identifying by Reference Number, Documents sufficient to show all revenue identified in response to Request Q.

4. Produce, and provide a narrative response identifying by Reference Number, all Reports related to all forecasted revenues identified in response to Request Q.

5. Has the Firm received any revenue, either directly or indirectly, from the Assertion of any Wireless Patent by any Person not otherwise identified in response these requests? (Y/N) If yes:

a. State the Person(s) who paid this revenue to the Firm;

b. state the total amount of revenue received;

c. state the total amount of revenue expected to be received in the future; and

d. for each Person who paid this revenue to the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Assertion.

6. Has the Firm received any revenue, either directly or indirectly, from the Transfer of any Wireless Patent by any Person not otherwise identified in response these requests? (Y/N) If yes:

a. State the Person(s) who paid this revenue to the Firm;

b. state the total amount of revenue received;

c. state the total amount of revenue expected to be received in the future; and

d. for each Person who paid this revenue to the Firm, provide a narrative response identifying the amount paid, identifying the amount expected to be paid in the future, and describing the Transfer.

Pending this information collection, the destruction, mutilation, alteration, or falsification of documentary evidence within the possession or control of a person, partnership or corporation subject to the FTC Act is subject to criminal prosecution. 15 U.S.C. 50, *see also* 18 U.S.C. 1505.

III. Confidentiality

In connection with its requests, the Commission will receive information of a confidential nature. Under Section 6(f) of the FTC Act, such information is protected from disclosure while it remains confidential commercial information. 15 U.S.C. 46(f).

IV. Estimated Hours and Labor Cost Burden

The proposed information collection is a one-time endeavor that, upon completion by study subjects, will not involve repeated responses. In its prior **Federal Register** notice, the FTC estimated that a recipient's burden for the PAE study would range from 90 to 400 hours depending on the recipient.[1]

Several commenters noted that the FTC's initial estimate of recipients' burden was accurate, while others stated that the FTC's initial burden estimates were too low. The initial hour burden estimates are consistent with previous PRA estimates and the FTC's experience with information requests that require financial data, narrative responses, and production of pre-existing documents. The Generic Drug Report, as well as the Authorized Generic Drugs report, involved requests for financial information and responses to questions, and the estimated hours burdens varied depending on the number of drugs covered. Similarly, the burden in this study will vary depending on a subject's number of patents and volume of assertion activity. In the first generic drugs study, the burden was an estimated 100–500 hours, and in the authorized generics study, the burden was an estimated 138 to 456 hours.[2]

The Commission believes that its estimates are realistic given the modifications that it has made to the requests, which now reflect many of the public comments' suggestions for reducing burden. For example, many requests that originally called for ''all'' documents in a given category now request a defined subset of such documents. Several comments stated that requests would unduly burden companies with large portfolios of patents that were developed by the company's employees. The proposed information collection has been modified to avoid unreasonable burdens on such companies. Moreover, in response to concerns about using a single set of requests for PAE Firms, Manufacturing Firms, and NPEs, there are now two sets of proposed information requests: one for PAE firms, and a second for Manufacturers and NPEs.

A. Estimated Hours Burden

Task	PAE firms (hours)	Manufacturers and NPEs (hours)
Identify, obtain, and organize firm information; prepare response	15–35	15–35
Identify, obtain, and organize patent information; prepare response	40–65	N/A
Identify, obtain, and organize patent portfolio information; prepare response	40–65	N/A
Identify, obtain, and organize acquisition information; prepare response	70–150	N/A
Identify, obtain, and organize transfer information; prepare response	70–150	70–150
Identify, obtain, and organize assertion information; prepare response	150–300	150–300
Identify, obtain, and organize aggregate revenue information; prepare response	20–40	20–40
Identify, obtain, and organize aggregate cost information; prepare response	20–40	20–40
Total	425–845	275–565

FTC staff anticipates that the cumulative hours burden to respond to the information requests will be between 275 and 845 hours per firm. Nonetheless, staff conservatively assumes that the burden for each of the approximately 25 PAE firms will be 845 hours, and the cumulative estimated burden will be approximately 21,125 hours. Staff conservatively assumes that the burden for each of the approximately 15 manufacturers and NPEs will be between 565 hours per firm, and the cumulative estimated burden will be approximately 8,475 hours. Given these conservative estimates, the total estimated burden is approximately 29,600 hours. These estimates attempt to include any time spent by other entities affiliated with the Firm that received the information requests, however, the numbers may be greater or lesser depending on the numbers of affiliated entities. The FTC seeks to understand the number of affiliated entities as part of the Information Requests.

B. Estimated Cost Burden

It is difficult to calculate precisely labor costs associated with this data production. Labor costs entail varying compensation levels of management and/or support staff among firms of different sizes. In addition, comments responding to the First Notice suggested that outside counsel will be involved in responding to the requests.

[1] 78 FR 61,352, 61357 (Oct. 3, 2013).

[2] 66 FR 12,512, 12,522–23 (2001); 72 FR 25,304, 25314 (2007).

Consequently, although financial, legal, and clerical personnel may be involved in the information collection process, FTC staff now assumes that mid-management personnel and outside legal counsel will handle most of the tasks involved in gathering and producing responsive information, and has applied an average rate of $250/hour for all labor costs. Thus the labor costs per company may range between $68,750 (275 hours × $250/hour) and $211,250 (845 hours × $250/hour).

C. Estimated Annual Capital or Other Non-labor Costs

Staff anticipates that the capital or other non-labor costs associated with the information requests will be minimal. Although the information requests may require the respondent to store copies of the requested information provided to the Commission, responding Firms should already have in place the means to store information of the volume requested. Respondents may need to purchase minimal office supplies to respond to the request. Staff estimates that each respondent will spend $500 for such costs regarding the information request, for a total additional non-labor cost burden of $20,000 ($500 × 40 Firms).

V. Request for Comment

Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by Section 3506(c)(2) of the PRA, 44 U.S.C. 3506, on October 3, 2013, the FTC published its First Notice seeking public comments on a study of PAE activity. The FTC will provide OMB with the comments received in response to the First Notice.

Pursuant to Section 3507 of the PRA, additional public comments regarding this information collection request may be submitted to OMB and the FTC. Comments received by June 18, 2014 will be considered. Written comments to OMB should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

Postal mail addressed to the Commission is also subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To submit your comment to the FTC online, write ''PAE Reports: Paperwork Comment; Project No. P131203'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/paestudypra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

Your comment, including your name and your state, will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number.

You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is * * * privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names in your comment.

If you seek confidential treatment for your comment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[3] Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 18, 2014. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

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[3] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–14AAO]

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

Testing Act Early Messages and Materials for ''Learn the Signs. Act Early.''—Phase II,—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Developmental milestones are used to track growth and development in children. Various milestones correspond to specific stages in a child's growth and development (e.g. crawling, walking, smiling, and waving ''bye-bye''). Not all children develop at the same pace; however, these developmental milestones serve as a guide in monitoring children as they grow. According to the CDC, approximately one in six children in the United States have developmental-behavioral disabilities such as autism, intellectual disability, or attention-deficit/hyperactivity disorder. Despite the fact that most of these children will show mild developmental delays (i.e., failing to reach some of the milestones associated with their stage of development) by the age of two, less than half of these children will be identified before they start school. Missing this window of opportunity for diagnosing developmental delays in children creates a serious public health problem. The late identification of developmental delays can lead to increased costs for future interventions and can be detrimental to the child's ability to learn.

The CDC initiated the ''Learn the Signs. Act Early.'' (LTSAE) campaign in 2004 in an effort to improve the likelihood that children with developmental disabilities are identified and connected with appropriate services at the earliest age possible. To this end, one of the campaign's overall goals is to empower parents to ''act early'' if they have concerns about their child's development. Children from families insured by Medicaid and those from families with low incomes are often identified with developmental delays and disabilities at a later age than other children, and thus are the target audience for the campaign.

The study described in this information collection request seeks to assess the impact of ''act early'' messages embedded within LTSAE campaign materials. To achieve this goal, CDC will work with a contractor, Westat, to test revised draft messages and materials with low-income parents through focus groups and intercept interviews administered via the web on a tablet device. Parents/guardians who are age 18–55 and who have children age 5 or younger will be recruited from six primary care practices (3 in the Washington, DC/Baltimore, Maryland metropolitan area and three in the Atlanta, Georgia metropolitan area) to participate in focus groups and/or an intercept interview.

Selected primary care practices will see children from low-income families as part of their patient population. Each of the six selected practices will receive study promotional materials, including a poster to hang in the office and waiting room as well as handouts to leave at the front desk. These materials will advertise the focus groups and outline eligibility criteria.

Parents interested in participating will be advised to call an 800 number to be screened and scheduled for a group discussion (if eligible). The 800 number will be staffed by the Westat study team who will be responsible for screening and scheduling. Representatives from each of the practices will be provided with brief ''talking points'' and study (Frequently Asked Questions (FAQs) to refer to if interested parents have any basic questions about the study.

It is estimated that 80 respondents will have to be screened in order to recruit 40 participants for the focus groups. Each screening will take approximately five minutes. The estimated response burden for the screening process is seven hours. The focus groups will have 10 participants each. Four focus groups will be conducted in two locations (the metropolitan areas of Atlanta, Georgia and Washington, DC/Baltimore, Maryland), yielding a total of 40 participants. Parents/guardians will be asked to complete an informed consent, which will take approximately 15 minutes to review, and the focus group discussion using the moderator's guide will take 60 minutes to complete. Focus group activities will have a total burden of 50 hours.

The intercept interviews will take place in the waiting rooms or right outside the waiting rooms if feasible. Parents will be recruited as they are waiting for their appointment. Again, it is estimated that 80 respondents will have to be screened in order to recruit 40 participants. The screening process should take approximately five minutes. The estimated response burden for the screening process is seven hours. We plan to conduct a total of 40 intercept interviews. Twenty interviews will be conducted in each of two locations (Atlanta, Georgia metropolitan area and Washington, DC/Baltimore, Maryland metropolitan area). The intercept interview will be conducted as a computer-assisted personal interview (CAPI) and will take each respondent approximately 15 minutes to complete, for an estimated total burden of 10 hours.

The total estimated burden for this data collection is 74 hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Focus Groups					
Parents/Guardians	Screener	80	1	5/60	7
Parents/Guardians	Informed Consent	40	1	15/60	10
Parents/Guardians	Focus Group Moderator's Guide	40	1	1	40
Intercept Interviews					
Parents/Guardians	Screener	80	1	5/60	7
Parents/Guardians	Intercept Interview	40	1	15/60	10
Total					74

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. 2014–11449 Filed 5–16–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: National Extranet Optimized Runaway and Homeless Youth Management Information System (NEORHYMIS) Version 3.0.

OMB No.: 0970–0123.

Description: The Runaway and Homeless Youth Act, as amended by Public Law 106–71 (42 U.S.C. 5701 et seq.), mandates that the Department of Health and Human Services (HHS) report regularly to Congress on the status of HHS-funded programs serving runaway and homeless youth. Such reporting is similarly mandated by the Government Performance and Results Act. Organizations funded under the Runaway and Homeless Youth program are required by statute (42 U.S.C. 5712, 42 U.S.C. 5714–2) to meet certain data collection and reporting requirements. These requirements include maintenance of client statistical records on the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project, and the services provided to such youth by the project.

Respondents: States localities, private entities and coordinated networks of such entities. Typical respondents are non-profit community based organizations who are reporting on the youth that they serve through their Basic Center, Transitional Living and Street Outreach programs.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Youth Profile: Basic Center Program (one for each youth)	291	118	0.20	6,868
Youth Profile: Transitional Living Program (one for each youth)	199	16	0.250	796
Youth Profile: Street Outreach Program (one for each youth)	108	6,186	0.073	48,770
Brief Contacts (4 data elements per youth)	491	153	0.05	3,756
BCP/TLP Turnaways (5data elements per youth)	491	33	0.05	810
Data Transfer	599	1	0.50	300

Estimated Total Annual Burden Hours: 61,300.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–11417 Filed 5–16–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0432]

Additive Manufacturing of Medical Devices: An Interactive Discussion on the Technical Considerations of 3–D Printing; Public Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop; request for comments.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''Additive Manufacturing of Medical Devices: An Interactive Discussion on the Technical Considerations of 3–D Printing.'' The purpose of this workshop is to provide a forum for FDA, medical device manufactures, additive manufacturing companies, and academia to discuss technical challenges and solutions of 3–D printing. The Agency would like input regarding technical assessments that should be considered for additively manufactured devices to provide a transparent evaluation process for future submissions.

Dates and Times: The public workshop will be held on October 8 and 9, 2014, from 8 a.m. to 5 p.m.

Location: The public workshop will be held at the FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Person: Matthew Di Prima, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, Rm. 2214, Silver Spring, MD 20993, 301–796–2507, email: *matthew.diprima@fda.hhs.gov.*

Registration: Registration is free and available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by September 30, 2014, 4 p.m. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Susan Monahan, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4321, Silver Spring, MD 20993–0002, 301–796–5661, email: *susan.monahan@fda.hhs.gov* no later than September 23, 2014.

To register for the public workshop, please visit FDA's Medical Devices News & Events-Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select the appropriate public workshop from the events list). Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. Those without Internet access should contact Susan Monahan to register (see Registration). Registrants will receive confirmation after they have been accepted and will be notified if they are on a waiting list.

Streaming Webcast of the Public Workshop: This public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by September 30, 2014, 4 p.m. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection access information after October 1, 2014. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Comments: FDA is holding this public workshop to obtain information on the technical challenges of additively manufacturing medical devices. In order to permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop topics. The deadline for submitting comments related to this public workshop is November 10, 2014.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments to *http://www.regulations.gov* or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. In addition, when responding to specific questions as outlined in section II of this document, please identify the question you are addressing. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

Additive manufacturing, also known as 3–D printing, is a fast-growing manufacturing technique that builds devices from computerized blueprints or models, by layering material only where it is needed as if building with interlocking bricks. Traditional methods of manufacturing remove material from larger pieces by cutting, drilling, and carving to create a final part. Through additive manufacturing designers can alter products quickly for rapid prototype iteration or produce small batches of multiple product designs in each batch. The 3–D computer models used to build each part can be created using traditional computer aided design techniques or they can be made directly from 3–D image sources, such as computed tomography scans or magnetic resonance imaging. Designers can also use a combination of techniques. Consequently, 3–D printers can create truly anatomically matched

devices or surgical guides by utilizing a patient's own medical imaging.

Additive manufacturing is just beginning to enter mainstream use in medical devices. This technology unlocks new avenues for creativity and innovation for medical device designers. For example, it can facilitate the production of devices with intricate structures that were previously impractical or impossible. Current industry applications include using it as an alternative device production method for traditional components or as a primary method to create patient-matched devices. As the technology matures, additional capabilities may be incorporated into medical devices. FDA has begun to receive submissions using additive manufacturing for both traditional and patient-matched devices, and we see many more on the horizon. Industry forecasts project significant growth of additive manufacturing in both traditional and innovative environments by 2025.

Additive manufacturing may or may not present new questions depending on its use. However, there are technical challenges associated with the process from design to final product that need to be properly addressed in all cases to ensure patient safety and to promote innovation in a fast-moving field. Process verification and validation are especially important when devices are produced individually or in very small batches. By discussing and addressing these technical challenges through an open forum, FDA would like to foster innovation with a transparent process and shared expectations for stakeholders. Participants in the workshop will include researchers, scientists, and engineers involved with the research and development of products using additive manufacturing as one or more steps of the manufacturing process. The intent is to address scientific and technical challenges posed by additive manufacturing process but not address specific printing technologies or medical device types. The latter will still be covered by their respective standards and guidance documents. Ideas generated during this workshop may facilitate development of new draft guidances and/or standards for additive manufacturing of medical devices.

II. Topics for Discussion at the Public Workshop

At this public workshop, participants will engage in open dialogue and discuss the following factors that contribute to additively manufactured medical devices.

- Preprinting considerations, including but not limited to:
  - material chemistry;
  - physical properties;
  - recyclability;
  - part reproducibility; and
  - process validation.
- Printing considerations, including but not limited to:
  - printing process characterization;
  - software used in the process;
  - post-processing steps (hot isostatic pressing, curing); and
  - additional machining.
- Post-printing considerations, including but not limited to:
  - cleaning/excess material removal;
  - effect of complexity on sterilization and biocompatibility;
  - final device mechanics;
  - design envelope; and
  - verification.

This is not an inclusive list. There will be discussion time and breakout sessions to bring up topics that are not listed.

The goals of the public workshop are to:

- Develop a more complete understanding of the technical challenges and solutions in additive manufacturing across a variety of materials and printing technologies that will affect safety and effectiveness of medical devices;
- Create awareness of these technical challenges and collaboratively develop solutions and best practices to ensure the performance and reliability of these devices; create a forum for open dialogue among stakeholders to share lessons learned and best practices for overcoming the technical challenges presented by additive manufacturing;
- Promote innovation in technology and processes to ensure and improve device performance and reliability; and
- Coordinate future collaborations in the development of educational materials, standards, and guidance.

Dated: May 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11513 Filed 5–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–E–0057]

Determination of Regulatory Review Period for Purposes of Patent Extension; ELELYSO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ELELYSO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination

of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ELELYSO (taliglucerase alfa). ELELYSO is indicated for long-term enzyme replacement therapy for adults with a confirmed diagnosis of Type 1 Gaucher disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for ELELYSO (U.S. Patent No. 7,951,557) from Protalix Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 19, 2013, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of ELELYSO represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ELELYSO is 2,483 days. Of this time, 1,746 days occurred during the testing phase of the regulatory review period, while 737 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* July 16, 2005. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 16, 2005.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* April 26, 2010. FDA has verified the applicant's claim that the new drug application (NDA) for ELELYSO (NDA 22–458) was submitted on April 26, 2010.

3. *The date the application was approved:* May 1, 2012. FDA has verified the applicant's claim that NDA 22–458 was approved on May 1, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 336 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 18, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 17, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11516 Filed 5–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2012–E–1235; FDA–2012–E–1236; FDA–2012–E–1237]

Determination of Regulatory Review Period for Purposes of Patent Extension; PERJETA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for PERJETA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov*. Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product PERJETA (pertuzumab). PERJETA is indicated in combination with trastuzumab and docetaxel for treatment of patients with

HER2-positive metastatic breast cancer who have not received prior anti-HER2 therapy or chemotherapy for metastatic disease. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for PERJETA (U.S. Patent Nos. 6,949,245; 7,560,111; 7,862,817) from Genentech, Inc., and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated February 4, 2013, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of PERJETA represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for PERJETA is 3,925 days. Of this time, 3,741 days occurred during the testing phase of the regulatory review period, while 184 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* September 11, 2001. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on September 11, 2001.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262)*: December 8, 2011. The applicant claims December 6, 2011, as the date the biologics license application (BLA) for PERJETA (BLA 125409) was initially submitted. However, FDA records indicate that BLA 125409 was submitted on December 8, 2011.

3. *The date the application was approved:* June 8, 2012. FDA has verified the applicant's claim that BLA 125409 was approved on June 8, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,317 or 624 or 354 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 18, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 17, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov*, Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 13, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11515 Filed 5–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–E–0056]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZIOPTAN

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for ZIOPTAN and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6257, Silver Spring, MD 20993–0002, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ZIOPTAN (tafluprost). ZIOPTAN is indicated for reducing elevated intraocular pressure in patients with open-angle glaucoma or ocular hypertension. Subsequent to this

approval, the Patent and Trademark Office received a patent term restoration application for ZIOPTAN (U.S. Patent No. 5,886,035) from Asahi Glass Company Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 19, 2013, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of ZIOPTAN represented the first permitted commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for ZIOPTAN is 3,881 days. Of this time, 3,481 days occurred during the testing phase of the regulatory review period, while 400 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* June 28, 2001. The applicant claims June 24, 2001, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was June 28, 2001, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* January 7, 2011. FDA has verified the applicant's claim that the new drug application (NDA) for ZIOPTAN (NDA 202514) was submitted on January 7, 2011.

3. *The date the application was approved:* February 10, 2012. FDA has verified the applicant's claim that NDA 202514 was approved on February 10, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by July 18, 2014. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 17, 2014. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 14, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11517 Filed 5–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0176 (Formerly Docket No. 2008N–0011)]

Defining Small Numbers of Animals for Minor Use Designation; Periodic Reassessment

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its periodic reassessment for defining the small numbers of animals for minor use in major species.

DATES: Submit either electronic or written comments at any time.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov/.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Margaret Oeller, Center for Veterinary Medicine (HVF–50), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0566, email: *margaret.oeller@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Minor Use and Minor Species Animal Health Act of 2004 (Pub. L. 108–282) (the MUMS Act), defines the term *minor use* to mean the intended use of a new animal drug in a major species for an indication that occurs infrequently and in only a small number of animals annually, or in limited geographical areas and in only a small number of animals annually (21 U.S.C. 321(pp)). As provided by the MUMS Act, major species of animals are dogs, cats, horses, cattle, pigs, turkeys, and chickens (21 U.S.C. 321(nn). This statutory definition of minor use creates the need for FDA to establish a small number of animals for each of the major species of animals (*small number*). In accordance with the provisions of the MUMS Act, the small number is used to determine whether an intended use of a new animal drug in a major species of animal qualifies as a minor use.

FDA established the small numbers by a final rule published in the **Federal Register** on August 26, 2009 (74 FR 43043). In the preamble for the final rule FDA responded to comments with the following:

''FDA agrees that there is a need to periodically reevaluate the definition of ''small number of animals.'' Because Congress did not establish by statute what a ''small number'' is, it affords FDA the opportunity to periodically reevaluate and update the definition of ''small number'' as necessary. We further agree that such a reevaluation should take into account the potential for increases in the development cost of new animal drugs, but note that it also should take into account potential increases in the cost that animal owners are willing to pay to treat affected animals as well as other factors involved in establishing ''small numbers,'' such as changes in the total population of major animal species.''

This is the first time FDA is reassessing the small numbers.

II. Processes Used to Determine Small Numbers of Animals for Minor Use in Major Species

The process used to establish small numbers of animals in major species of food-producing animals is different from the process used to establish small numbers of companion animals (non-food-producing). The processes FDA uses to establish the small numbers were published in the preamble to the proposed rule (73 FR 14411).

The process for determining small numbers of major food-producing animals is based on the amount of food going to market from sheep. Sheep are used because they were the most consumed minor food-producing species at the time the MUMS Act was passed in 2004. In determining that no limit needed to be set on the number of sheep going to slaughter after being treated with a designated new animal drug, Congress effectively established an upper limit for the quantity of food from the major food-producing species that would likewise not be a concern regarding drug residues and antimicrobial resistance. Therefore, FDA established the small numbers of food-producing animals by determining the number of animals of each major food-producing species that constituted an amount of food (biomass) from these species going to market that is equivalent to the amount of food (biomass) from sheep going to market in 2004.

The process of establishing the small numbers of companion animals involves the following:

- Estimating the development cost for a new animal drug intended for each of the companion animal species.
- Estimating the amount of money that companion animal owners are willing to pay to treat each of their animals.
- Estimating the average percentage of companion animals that are likely to be treated.
- Estimating the uncertainty associated with the reported rate of occurrence of various uncommon conditions in companion animals.

Assessing these various factors results in the following formula, as set forth in the preamble for the proposed rule (73 FR 14414):

[Average companion animal drug development cost in dollars] − ⅓ = [minor use ''going market'' in dollars] ÷ [average drug treatment value in dollars for each species] = [a preliminary small number of animals] × 2 (untreated factor) + 13% (uncertainty factor) + [increase to ''round'' number) = [species-specific ''small number of animals'']

III. Data Sources

A. Food-Producing Animals

The current assessment of small numbers for major food-producing animals is based on the number of sheep and lambs going to market in 2013. These data are obtained from the National Agricultural Statistics Service (NASS) of the U. S. Department of Agriculture (USDA) (Ref. 1).

B. Companion Animals

The data used for the estimates referred to in section II are obtained from several sources. These sources include two publicly available reports from an animal industry consulting firm and several publications from the American Veterinary Medicine Association (AVMA) (Refs. 2, 3, 4, 5, and 6).

C. Population Estimate Data Source

As the determination of small numbers for companion animals is based on the size of the entire U.S. population of companion animals, FDA concluded that we should use a single source of population data for the periodic reassessments. Using a single source of population data for periodic reassessment of the small numbers ensures consistent application of the small numbers over time and among parties requesting minor use determinations.

The AVMA U.S. Pet Ownership & Demographics Sourcebook (AVMA Sourcebook) is a comprehensive and statistically valid survey of approximately 50,000 companion animal owners. The AVMA Sourcebook has used the same survey techniques for many years; this makes the AVMA Sourcebook a consistent source for population information. The AVMA Sourcebook is published every 5 years and can be used as a source of up-to-date population information every time FDA reassesses the small numbers. For these reasons, FDA uses the AVMA Sourcebook as our single source of population data for reassessment of the small numbers. FDA used the 2007 AVMA Sourcebook to define the small numbers established in 2009. The latest AVMA Sourcebook was published in 2012 and provides the estimates of the dog, cat, and horse populations in the United States for the current reassessment of the small numbers.

D. Disease Rate Estimate Data Source

Minor use determinations in major species of companion animals are based on an estimate of the rate of occurrence of a disease or condition in a limited population of a companion animal species. Such estimates are derived from published information, from various databases containing information collected from multiple veterinary practices, from current surveys of veterinary practices conducted by parties requesting a minor use determination, or various combinations of these sources of information. Once an estimate of the rate of occurrence of a disease or condition in a sample population is established, that rate must be extrapolated to the entire population of the major species of companion animals in the United States.

IV. Reassessment

A. Food-Producing Animals

The small numbers for major food-producing animals were established, in large part, based on Congressional concern regarding food safety and a perceived need not to provide an incentive for ''wider use'' of drugs in these animals. An acceptable scope of use for major food-producing animals was determined to be a level consistent with the population of the most common minor food-producing species going to market at the time of passage of the MUMS Act, which was sheep. Data from the USDA show that the amount of sheep and lamb going to market has steadily decreased since the MUMS Act was passed in 2004 (Ref. 1). Since the scope of drug use in major food-producing animals was determined to be acceptable at a level equivalent to a higher level than the current level of marketing of sheep and lamb, we see no reason to revise the currently established small numbers for major food-producing animals.

B. Companion Animals

According to the 2012 AVMA Sourcebook, the population of the major species of companion animals in the United States has decreased since 2007; from about 72.1 million to about 69.9 million dogs, from about 81.7 million to about 74.0 million cats, and from about 7.3 million to about 4.9 million horses (Ref. 6).

The potential effect of these population decreases is at least twofold. The first effect would appear to be a decrease in the potential market for animal drugs for uncommon diseases or conditions in companion animals because there are simply fewer animals to experience such diseases or conditions. However, the data indicate that while there may be fewer companion animals owned in 2012 than in 2007, at least with respect to dogs and cats, these animals are owned by persons more likely to pay for their health care.

The second effect of the population decreases is to make any particular disease or condition more likely to be considered a minor use. For example, if the rate of occurrence of a disease or condition in a sample population of horses is estimated to be 0.7 percent (7 horses per 1000) with +/− 10 percent uncertainty, when extrapolated to a U.S. population of 7.3 million horses, this

rate of occurrence would not represent a small number of horses and the intended use would not be considered a minor use. If, in our example, the population decreases to 4.9 million horses, then 0.7 percent of the horse population would represent a small number of horses and the intended use would be considered a minor use.

The reassessment of the small numbers of companion animals is based on the estimates in section II. Current values for these estimates are based on data obtained from a 2013 survey (Ref. 3). The 2013 survey was conducted by the same source and using the same techniques as the 2005 survey (Ref. 2). Significant changes in the values of these estimates and the relationship between these values could provide a basis for revising the small numbers of animals for major species of companion animals.

Information from these surveys indicates that the development cost for new animal drugs intended for use in companion animals has risen from about $15 million in 2005 to about $20 million in 2013, an increase of about 33 percent (Refs. 2 and 3). Information from these surveys indicates that the cost for the treatment of companion animals has also risen. The rise in treatment cost differs by species, with the greatest increases associated with dogs and horses (about 40 percent and 37 percent, respectively), and the smallest increases associated with cats (about 24 percent). These increases reflect weighted averages (based on approximate sample size of the two surveys) of the amounts paid for routine companion animal health care based on information available in 2005 and 2013 (Refs. 2, 3, 4, 5, and 6). The cost estimates from these surveys reflect routine health care, not the care of uncommon, generally serious or life-threatening conditions of companion animals. However, the increase in the costs for routine health care does show the general willingness of companion animal owners to spend more money for the care of their animals now than in 2009 when the small numbers were established.

In addition, other information indicates that owners who consider their animals to be ''family members'' are generally willing to spend more money for the care of their animals than owners who do not. Based on data from AVMA Sourcebooks (Refs. 4, 5, and 6) CVM calculated that the percentage of dog owners and cat owners who consider their animals to be family members in 2012 rose 24 percent and 14 percent, respectively, since 2007, or 31 percent and 22 percent, respectively, since 2002.

When comparing these data, it appears that the willingness of companion animal owners to pay for their animals' health care has increased by an amount similar to the increase in companion animal drug development cost since the establishment of the small numbers.

While in the case of dogs and horses the increase in the willingness of owners to pay for treatment appears to be greater than the increase in the cost of drug development for those species, the uncertainty associated with these estimates does not permit a determination that the difference in the increases is meaningful. Similarly, while the increase in the willingness of cat owners to pay for treatment appears to be less than the increase in cost of drug development, the uncertainty associated with the estimates does not permit a determination that the difference in the increases is meaningful.

Currently available information does not provide a basis to propose a change in the 50 percent estimate of companion animals likely to be treated or in the 13 percent estimate of the uncertainty routinely associated with estimates of the rates of occurrence of uncommon conditions in these species.

Based on the information in this section, there is no reason to revise the currently established small numbers for companion animals.

V. Usefulness of the Small Numbers Used to Determine Minor Use in Major Species

FDA believes that one way to estimate the usefulness of the small numbers used to determine minor use is to look at the accomplishments of FDA's MUMS program since the small numbers were proposed in March 2008.

Of 56 requests for a determination of minor use in a major species submitted to FDA since March 2008, 42 have been determined to be minor uses involving 29 different conditions in major species.

Of the 58 MUMS designations that have been granted to new animal drugs since March, 2008, 23 have involved minor uses in major species.

Most of the 23 new animal drugs designated for minor use in a major species are indicated for the treatment of neoplastic conditions in companion animals. These neoplastic conditions include sarcoids in horses, functional adrenal tumor, transitional cell carcinoma, mast cell tumor, brain tumors, squamous cell carcinoma, melanoma, mammary carcinoma, and lymphoma in dogs. Indications for treatment of non-neoplastic conditions include the treatment of early onset emesis associated with chemotherapy in dogs, equine recurrent uveitis, repair of diaphyseal fractures in dogs, cattle fever tick eradication, equine protozoal myeloencephalitis, reduction of male aggressive behavior in boars, and prevention of diabetic cataracts in dogs.

Based on this information and communications between FDA and sponsors during the new animal drug development process, FDA believes that the current small numbers are useful for implementing the provisions of the MUMS Act.

Potential sponsors of new animal drugs for minor uses should note the importance of seeking a formal, extended minor use determination from FDA. This can be done by means of a written request for designation to the Office of Minor Use and Minor Species Animal Drug Development. Alternatively, it can be accomplished by a written request to the Director, Office of New Animal Drug Evaluation, for an extended minor use determination, either as a basis for establishing eligibility for conditional approval, or as a basis for full approval. Obtaining such a minor use determination is important because, if due diligence toward approval is maintained, the minor use determination will remain in effect in spite of future changes in small numbers or companion animal populations until the designation terminates or a product is approved in the absence of designation. Requests for certain user fee waivers based on minor use status are made and granted on an annual basis. Without a formal, extended minor use determination, granting of the fee waiver request is subject to the changes in small numbers

VI. Significance of Determinations

While the small numbers will not be revised at this time, FDA concludes periodic reassessment is useful for implementing the provisions of the MUMS Act. FDA also concludes that 5 years between reassessments is an appropriate period of time; therefore, FDA expects the next reassessment to occur in 2018.

Based on the current reassessment, the ''small numbers'' listed in 21 CFR 516.3 will not be revised and will continue to be as follows: 50,000 horses; 70,000 dogs; 120,000 cats; 310,000 cattle; 1,450,000 pigs; 14,000,000 turkeys; and 72,000,000 chickens.

VII. Paperwork Reduction Act of 1995

This reassessment of the small numbers of animals currently established by regulation relates to

previously approved collections of information. 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 relevant collections of information in 21 CFR part 516 have been approved under OMB control number 0910–0032.

VIII. Comments

Interested persons may submit either electronic comments regarding this Notice to *http://www.regulations.gov/* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov/*.

IX. References

1. Sheep and Goats—Sheep and Lamb Inventory by Class, National Agricultural Statistics Service (NASS), U. S. Department of Agriculture (USDA), February 1, 2013.
2. Brakke Consulting, Inc., ''Disease Incidence Rates, Drug Development and Treatment Costs,'' September 2005.
3. Brakke Consulting, Inc., ''Update of Population Estimates, Disease Incidence Rates, Drug Development Costs and Treatment Costs for Companion Animals,'' September 6, 2013.
4. Figures 8, 15, and 27 from U. S. Pet Ownership & Demographics Sourcebook 2002 Edition, reproduced by permission of the American Veterinary Medical Association.
5. Tables 1–5, 1–10, and 1–20 from U. S. Pet Ownership & Demographics Sourcebook 2007 Edition, reproduced by permission of the American Veterinary Medical Association.
6. Tables 1–5, 1–9, 1–10, 1–14, 1–20, 1–24, 2–8, 2–9, 2–22, 2–23, 2–46, and 2–47 from U.S. Pet Ownership & Demographics Sourcebook 2012 Edition, reproduced by permission of the American Veterinary Medical Association.

Dated: May 12, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11446 Filed 5–16–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 on Aging Special Emphasis Panel; Mediterranean DASH Diet.

Date: June 5, 2014.

Time: 5:40 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel Fisherman's Wharf, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Jeannette L. Johnson, Ph.D., National Institute on Aging, National Institute of Health, 7201 Wisconsin Avenue, Suite 2c212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.NIH.GOV.*

Name of Committee: National Institute on Aging Special Emphasis Panel; the Life Outcomes Study (LIFE–OS).

Date: June 27, 2014.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, National Institute on Aging, National Institute of Health, 7201 Wisconsin Avenue, Suite 2c-212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 13, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11456 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Amyloid and Vascular Pathology in AD.

Date: June 18, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Elaine Lewis, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2C212, MSC–9205, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–7707, *elainelewis@nia.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: May 13, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11457 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; 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 Child Health and Human Development Initial Review Group; Developmental Biology Subcommittee.
Date: June 12, 2014.
Time: 8:00 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave. NW., Washington, DC 20036.
Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Population Sciences Subcommittee.
Date: June 16, 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: Carla T. Walls, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–6878, *wallsc@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Population and Environment Science.
Date: June 17, 2014.
Time: 8:30 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: Carla T. Walls, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–6878, *wallsc@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Health, Behavior, and Context Subcommittee.
Date: June 19–20, 2014.
Time: 8:00 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Double Tree by Hilton Bethesda, Bethesda, MD 20814.
Contact Person: Michele C. Hindi-Alexander, Ph.D., Scientific Review Branch, National Institutes Of Health, Eunice Kennedy Shriver, National Institute For Child Health & Development, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20812–7510, (301) 435–8382, *hindialm@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Pediatrics Subcommittee.
Date: June 19–20, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Rita Anand, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Function, Integration, and Rehabilitation Sciences Subcommittee.
Date: June 19, 2014.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave. NW., Washington, DC 20036.
Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–7510, 301–435–6916, *kielbj@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Post Katrina P01.
Date: June 20, 2014.
Time: 1:00 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Michele C. Hindi-Alexander, Ph.D., Scientific Review Branch, National Institute of Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 1600 Executive Boulevard, Rm. 5b01, Bethesda, MD 20892, (301) 435–8382, *hindialm@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Obstetrics and Maternal-Fetal Biology Subcommittee.
Date: June 26, 2014.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Peter Zelazowski, Ph.D., Scientific Review Officer, National Institutes of Health, NICHD, DSR, 6100 Executive Blvd., Bethesda, MD 20892, 301–435–6902, *PETER.ZELAZOWSKI@NIH.GOV.*

Name of Committee: National Institute of Child Health and Human Development Initial Review Group, Reproduction, Andrology, and Gynecology Subcommittee.
Date: June 30, 2014.
Time: 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.
Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892, (301) 435–2717, *leszczyd@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Molecular Target Discovery and Therapy Development for Pregnancy-Related/Induced Diseases.
Date: July 2, 2014.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852.
Contact Person: David Weinberg, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, 301–435–6973, *David.Weinberg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: May 13, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11459 Filed 5–16–14; 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(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Recombinant DNA Advisory Committee.
Date: June 10–11, 2014.
Time: June 10, 2014, 9:00 a.m. to 4:30 p.m.

Agenda: The NIH Recombinant DNA Advisory Committee (RAC) will hear from experts on genome editing technologies about the state of the science and the development of preclinical assays in support of clinical applications. Please check the meeting agenda at OBA Meetings Page (available at the following URL: *http://oba.od.nih.gov/rdna_rac/rac_meetings.html*) for more information.

Place: National Institutes of Health, Building 35, Conference Room 620/630, 9000 Rockville Pike, Bethesda, MD 20892.

Time: June 11, 2014, 8:30 a.m. to 3:30 p.m.

Agenda: The RAC will review selected human gene transfer protocols, including the first gene transfer application for Leber's Hereditary Optic Neuropathy, a disease caused by a mutation in mitochondrial DNA. In addition there will be a presentation on the recommendations made by an Institute of Medicine Committee charged with assessing the role of the NIH Recombinant DNA Advisory Committee in the review of human gene transfer protocols. Please check the meeting agenda at OBA Meetings Page (available at the following URL: *http://oba.od.nih.gov/rdna_rac/rac_meetings.html*) for more information.

Place: National Institutes of Health, Building 35, Conference Room 620/630, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Chris Nice, Program Assistant, Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, 301–496–9838, *nicelc@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

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://oba.od.nih.gov/rdna/rdna.html,* where an agenda and any additional information for the meeting will be posted when available.

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

(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 13, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11460 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Vector Biology Study Section.

Date: June 4, 2014.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, MSC 7808, Bethesda, MD 20892, 301–402–5671, *zhengli@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

Date: June 5, 2014.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Allerton Hotel, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Fouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Bacterial Pathogenesis Study Section.

Date: June 9, 2014.

Time: 8:00 a.m. to 6:00 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: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–435–1149, *marci.scidmore@nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section

Date: June 11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

*Agenda:*To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

Contact Person: James W Mack, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, *mackj2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biomedical Computing and Health Informatics.

Date: June 11, 2014.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Tomas Drgon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892, 301–435–1017, *tdrgon@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Virology—A Study Section.

Date: June 12–13, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard Long Beach Downtown, 500 East First Street, Long Beach, CA 90802.

Contact Person: Joanna M Pyper, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1151, *pyperj@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Mechanisms of Sensory, Perceptual, and Cognitive Processes Study Section.

Date: June 16–17, 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: Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, *kgt@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Hepatobiliary Pathophysiology Study Section.

Date: June 16–17, 2014.

Time: 8:00 a.m. to 2:00 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: Bonnie L Burgess-Beusse, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–435–1783, *beusseb@mail.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section

Date: June 16–17, 2014.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Los Angeles Airport Marriott, 5855 W. Century Boulevard, Los Angeles, CA 90045.

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 500–5829, *sechu@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mobile Health: Technology and Outcomes in Low and Middle Income Countries.

Date: June 16–17, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–435–1024, *allen.richon@nih.hhs.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Microenvironment Study Section.

Date: June 17–18, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Angela Y Ng, Ph.D., MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, 301–435–1715, *ngan@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer, Cardiovascular, and Sleep Epidemiology Panel B.

Date: June 17, 2014.

Time: 8:00 a.m. to 6:00 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: Julia Krushkal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892 301–435–1782, *krushkalj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiometabolic Disease Epidemiology.

Date: June 17, 2014.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Valerie Durrant, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 827–6390, *durrantv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–13–169: Academic Industrial Partnership.

Date: June 17, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, *wrightds@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Advances in Neurotechnology.

Date: June 17, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jingsheng Tuo, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3142, Bethesda, MD 20892, 301–435–4577, *tuoj@nei.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 13, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11455 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vascular and Hematology Integrated Review Group; Vascular Cell and Molecular Biology Study Section.

Date: June 9–10, 2014.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel DC Convention Center, 900 10th Street NW., Washington, DC 20001.

Contact Person: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–025 and PAR13–026: Selected Topics in Transfusion Medicine.

Date: June 9–10, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bukhtiar H Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Macromolecular Structure and Function B.
Date: June 9, 2014.
Time: 12:00 p.m. to 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 437–7927, *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Dental, Oral and Craniofacial Sciences.
Date: June 10–11, 2014.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Biomedical Computing and Health Informatics Study Section.
Date: June 11, 2014.
Time: 10:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Melinda Jenkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, 301–437–7872, *jenkinsml2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular and Cellular Neuroscience.
Date: June 11, 2014.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Laurent Taupenot, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4811, MSC 7850, Bethesda, MD 20892, 301–435–1203, *taupenol@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiovascular Differentiation and Development Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Lombardy, 2019 Pennsylvania Avenue NW., Washington, DC 20006.
Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 4136, Bethesda, MD 20817–7814, 301–435–0904, *sara.ahlgren@nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Electrical Signaling, Ion Transport, and Arrhythmias Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance, Washington, DC Hotel, 999 Ninth Street NW., Washington, DC 20001–4427.
Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 435–1195, *Chengy5@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Developmental Brain Disorders Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites Washington-Convention Center, 900 10th Street Northwest, Washington, DC 20001.
Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–408–9866, *manospa@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurotransporters, Receptors, and Calcium Signaling Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.
Contact Person: Peter B Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435–1239, *guthriep@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.
Contact Person: John Burch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Cancer Etiology Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 6:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Inn of Chicago, 162 E Ohio St., Chicago, IL 60611.
Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, *kotliars@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Auditory System Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites DC Convention Center, 900 10th St. NW., Washington, DC 20001.
Contact Person: Lynn E Luethke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5166, MSC 7844, Bethesda, MD 20892, (301) 806–3323, *luethkel@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 6:00 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: Daniel F McDonald, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.
Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function B Study Section.
Date: June 12, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: C.L. Albert Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Disparities and Equity Promotion Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Grand RiverFront, 71 E Wacker Drive, Chicago, IL 60601.
Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Atherosclerosis and Inflammation of the Cardiovascular System Study Section.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Diagnostics and Treatments.
Date: June 12–13, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, *huzhuang@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Imaging and Engineering Area Review.
Date: June 12, 2014.
Time: 11:45 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Mechanisms of Neurodegeneration.
Date: June 12, 2014.
Time: 1:00 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20037.
Contact Person: Carole L Jelsema, Ph.D., Chief and Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7850, Bethesda, MD 20892, (301) 435–1248, *jelsemac@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–345: Development of Appropriate Pediatric Formulations.
Date: June 12, 2014.
Time: 1:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Yuan Luo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301–915–6303, *luoy2@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Urologic and Genitourinary Physiology and Pathology.
Date: June 13, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 22202.
Contact Person: Ryan G Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Basic and Integrative Bioengineering.
Date: June 13, 2014.
Time: 11:00 a.m. to 7:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 13, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11454 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Clinical Trials Outcome Development.
Date: June 12, 2014.
Time: 9:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Xincheng Zheng, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–4953, *xincheng.zheng@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: May 13, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11458 Filed 5–16–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0032]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-Day notice of submission of information collection approval from

the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of the Chief Information Office has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Comments are encouraged and will be accepted until June 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments may be submitted to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to OMB Desk Officer, DHS, Office of Civil Rights and Civil Liberties. Comments must be identified by DHS–2013–0032 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Email: oira_submission@omb.eop.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 395–5806

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://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: To request additional information, please Contact: DHS/NPPD, Office of the Chief Information Office, *nppd-prac@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

NPPD received no comments in response to the 60-day notice published in the **Federal Register** of December 19, 2013 (78 FR 244).

Below we provide National Protection and Programs Directorate projected average estimates for the next three years:

Current Actions: New collection of information.

Type of Review: New Collection.

Affected Public: Individuals and households, businesses and organizations, State, Local or Tribal Government.

Estimated Number of Respondents: Below is a preliminary estimate of the aggregate burden hours for this generic clearance. This estimate is based on a review of past behavior of the participating sub-components and by several individual sub-components' estimates for this ICR. In recognition that individual sub-components will differ in how often they use this generic clearance, this burden estimate assumes that 2 sub-components would be the heaviest users and account for approximately ten times as great a burden as the other sub-components combined. NPPD sub-components will provide more refined individual estimates of burden in their subsequent notices.

Average Expected Annual Number of activities: 15.

Respondents: 14080.

Annual responses: 14080.

Frequency of Response: Once per request.

Average minutes per response: 34 minutes.

Burden hours: 7920.3.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: May 9, 2014.

Scott Libby,

Acting Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2014–11389 Filed 5–16–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0043]

General Meeting Registration and Evaluation

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-day notice and request for comments; new information collection request: 1670—NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD, Office of Cybersecurity and Communications (CS&C), Office of Emergency Communications (OEC), will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). NPPD is soliciting comments concerning New Information Collection Request, General Meeting Registration and Evaluation. DHS previously published this ICR in the **Federal Register** on March 17, 2011, at 76 FR 52, for a 60-day public comment period. DHS received no comments. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until June 18, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the OMB Office of Information and Regulatory Affairs. Comments should be addressed to OMB Desk Officer, Department of Homeland Security, Office of Civil Rights and Civil Liberties. Comments must be identified by ''DHS–2013–0043'' and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Email: oira_submission@omb.eop.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 395–5806.

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://www.regulations.gov,* including any personal information provided.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

SUPPLEMENTARY INFORMATION: OEC was formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 101 et seq., as amended, to fulfill its statutory responsibility of conducting nationwide outreach through hosted events, including conferences, meetings, workshops, etc. The general registration form, pre-meeting form, and post-meeting/workshop/training evaluation form will be used to gather information to support these events and for follow-up with stakeholders that attend such events. The registration, pre-meeting, and evaluation forms may be submitted electronically or in paper form.

Analysis

Agency: Department of Homeland Security, National Protection and Programs Directorate, Office of Cybersecurity and Communications, Office of Emergency Communications

Title: General Meeting Registration and Evaluation.

OMB Number: 1670—NEW.

General Registration Form

Frequency: On occasion.

Affected Public: State, local, or tribal government.

Number of Respondents: 5,000.

Estimated Time Per Respondent: 10 minutes.

Total Burden Hours: 850 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $22,457.

Pre-Meeting Survey

Frequency: On occasion.

Affected Public: State, local, or tribal government.

Number of Respondents: 5,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 850 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $22,457.

Post-Meeting/Workshop/Training Evaluation

Frequency: On occasion.

Affected Public: State, local, or tribal government.

Number of Respondents: 5,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 1,250 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $33,025.

Dated: May 9, 2014.

Scott Libby,

Deputy Chief Information Officer,National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2014–11392 Filed 5–16–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2014–0002]

Meeting: Homeland Security Advisory Council

AGENCY: The Office of Policy, DHS.

ACTION: Notice of partially closed Federal advisory committee meeting.

SUMMARY: The Homeland Security Advisory Council (HSAC) will meet in person and by phone June 5, 2014. Members of the public may participate in person or by listen-only conference call. The meeting will be partially closed to the public.

DATES: The HSAC will meet Thursday, June 5, 2014, from 1:45 p.m. to 5:30 p.m. EDT. The meeting will be open to the public from 1:45 p.m. to 3:45 p.m. Please note that the meeting may close early if the Council has completed its business. The portion from 4 p.m. to 5:30 p.m. will be closed to the public.

ADDRESSES: The meeting will be held at the United States Coast Guard Headquarters in Washington, DC. All visitors are processed through the Visitor Processing Center at Gate 4, located at the end of Golden Raintree Drive that intersects with Firth Sterling Avenue SE.

Written public comments prior to the meeting must be received by May 30, 2014. Written public comments after the meeting must be identified by Docket No. DHS–2014–0002 and may be submitted by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Email: *HSAC@hq.dhs.gov*. Include docket number in the subject line of the message.
- Fax: (202) 282–9207.
- Mail: Homeland Security Advisory Council, Department of Homeland Security, Mailstop 0445, 245 Murray Lane SW., Washington, DC 20528.

Instructions: All submissions received must include the phrases ''Department of Homeland Security'' and ''DHS–2014–0002''. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the DHS Homeland Security Advisory Council, go to *http://www.regulations.gov*, search ''DHS–2014–0002,'' ''Open Docket Folder'' and provide your comments.

FOR FURTHER INFORMATION CONTACT: Mike Miron at *HSAC@hq.dhs.gov* or at (202) 447–3135.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under Section 10(a) of the Federal Advisory Committee Act (FACA), Public Law 92–463 (5 U.S.C. App.) requires each FACA committee meeting to be open to the public.

The HSAC provides organizationally independent, strategic, timely, specific, and actionable advice and recommendations for the consideration of the Secretary of the Department of Homeland Security on matters related to homeland security. The Council is comprised of leaders of local law enforcement, first responders, state and local government, the private sector, and academia.

The HSAC will meet in open session between 1:45 p.m. and 3:45 p.m. The HSAC will receive observations and remarks from DHS senior leadership, and swear in new HSAC members. Members will discuss the following: Improving Security and Resilience of Cyberspace and Critical Infrastructure, the Homeland Security strategic environment, trade and travel facilitation, and performance improvement. Members will also receive a report from the HSAC Faith-based Security and Communications Subcommittee.

The HSAC will meet in closed session between 4 p.m. and 5:30 p.m. to receive sensitive operational information from senior DHS leadership. This information regards threats to our homeland, specifically operational updates on the Transportation Security Administration's (TSA) aviation security program, immigration enforcement efforts, and ongoing domestic efforts towards countering violent extremism.

Basis for Partial-Closure: In accordance with Section 10(d) of the Federal Advisory Committee Act, this meeting has been determined to require partial-closure. The disclosure of the information relayed would be detrimental to the public interest for the following reasons:

The HSAC will receive briefings on the current threat environment from DHS officials as well as operational updates for the Transportation Security Administration's (TSA) aviation security program, and immigration enforcement efforts. This will include lessons learned and enhanced security measures associated with operations and management. Public disclosure of this information would provide terrorists and other adversaries with guidelines to thwart the Department's strategic initiatives. Under 5 U.S.C. 552b(c)(9)(B), disclosure of these techniques and procedures could frustrate the successful implementation of protective measures designed to keep our country safe. Members will also be provided a briefing from DHS officials on countering violent extremism (CVE) efforts being made domestically. Under 5 U.S.C. 552b(c)(7)(E), disclosure of that information could reveal investigative techniques and procedures not generally available to the public, allowing terrorists and those with interests against the United States to circumvent the law.

The closed session briefings involve information that, if publicly disclosed, will likely inhibit the government's ability to implement potential changes to aviation security and internal DHS management directives. The meeting will address current threats to our homeland security, the strategic implementation plan to counter extremism domestically, and provide an operational overview of the Transportation Security Administration's (TSA) aviation security as well as immigration enforcement efforts. These briefings will concern matters sensitive to homeland security within the meaning of 5 U.S.C. 552b(c)(7)(E) and (c)(9)(B).

Participation: Members of the public will have two options for participation: Listen-only mode conference call or in person. All data for both the teleconference and on-site participation options must be provided no later than 5 p.m. EDT on Friday, May 30, 2014.

Teleconference Participation: Members of the public may register via email at *HSAC@hq.dhs.gov.* You are required to provide your full legal name, company/agency affiliation, email address and phone number.

On-Site Participation: Due to limited availability of seating, admittance will be on a first-come first-served basis. Participants attending the meeting at the United States Coast Guard Headquarters will contact Mike Miron or HSAC Staff by phone only at (202) 447–3135. You are required to provide your full legal name, date of birth, social security number, citizenship status, and company/agency affiliation. The public may only access the facility via public transportation and must remain under escort on the premises throughout the entire public session. Members of the public will meet promptly at 1 p.m. at the Visitor Processing Center for badging and escorting to the conference facility. Late arrivals will not be permitted access to the facility.

Facility Access: You are required to present a valid original government issued ID; State Driver's License or Non-Driver's Identification Card, U.S. Government Common Access Card (CAC), Military Identification Card or Person Identification Verification Card; U.S. Passport or Passport Card, Foreign Passport; U.S. Border Crossing Card, Permanent Resident Card or Alien Registration Card; or Native American Tribal Document.

Identification of Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the HSAC as soon as possible.

Dated: May 13, 2014.

Erin O'Connor,

Executive Director, Homeland Security Advisory Council, DHS.

[FR Doc. 2014–11514 Filed 5–16–14; 8:45 am]

BILLING CODE 9110–9M–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0028]

Privacy Act of 1974; Department of Homeland Security Federal Emergency Management Agency—003 National Flood Insurance Program Files System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to consolidate, update, and reissue the current Department of Homeland Security/Federal Emergency Management Agency system of records titled, ''Department of Homeland Security/Federal Emergency Management Agency—003 National Flood Insurance Program Files System of Records'' with the systems of records titled, ''Department of Homeland Security/Federal Emergency Management Agency/Mitigation/Mitigation—1 National Flood Insurance Program Claims Appeals Process,'' and ''Department of Homeland Security/Federal Emergency Management Agency—007 National Flood Insurance Program Marketing Files.'' This consolidated and updated system of records enables the Department of Homeland Security/Federal Emergency Management Agency to administer all aspects of the National Flood Insurance Program. The Department has consolidated and updated these systems of records to more accurately reflect how the Department of Homeland

Security/Federal Emergency Management Agency collects, maintains, and shares information pertaining to the National Flood Insurance Program.

The Department of Homeland Security/Federal Emergency Management Agency has consolidated categories of individuals, categories of records, authority for maintenance, routine uses, retrievability, retention and disposal, and record sources to accurately reflect the entirety of the National Flood Insurance Program, and to reflect the Biggert-Waters Act. Also, the Department of Homeland Security/Federal Emergency Management Agency is updating the consolidated system of records notice to include: (1) Category of individuals; (2) category of records; and (3) routine uses. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notices. This consolidated and updated system will be included in the Department's inventory of record systems.

DATES: Submit comments on or before June 18, 2014 This new system will be effective June 18, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0028 by one of the following methods:

- *Federal e-Rulemaking Portal:* http://www.regulations.gov. Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Eric M. Leckey (202) 212–5100, Privacy Officer, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC 20528. For privacy issues please contact Karen L. Neuman (202) 343–1717, Chief Privacy Officer, Privacy Office, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) proposes to consolidate, update, and reissue the current DHS system of records titled, ''DHS/FEMA—003 National Flood Insurance Program Files System of Records'' to include the systems of records titled, ''DHS/FEMA/Mitigation/Mitigation—1 National Flood Insurance Program Claims Appeals Process'' and ''DHS/FEMA—007 National Flood Insurance Program Marketing Files,'' to form one comprehensive system of records notice that accurately reflects all information collection and maintenance pertaining to the National Flood Insurance Program.

Congress passed the National Flood Insurance Act (NFIA), 42 U.S.C. 4001 in 1968, creating the National Flood Insurance Program (NFIP) in order to reduce future flood losses through flood hazard identification, manage floodplain, and provide insurance protection. The Department of Housing and Urban Development (HUD) originally administered the NFIP, and Congress subsequently transferred the NFIP to FEMA upon its creation in 1979. FEMA and insurance companies participating in FEMA's Write Your Own (WYO) program offer NFIP insurance coverage for building structures as well as for contents and personal property with the building structures to eligible and insurable properties. Individuals seeking flood insurance are required to submit an application with all necessary information in order to properly rate their property and issue an appropriate insurance policy.

FEMA administers NFIP by ensuring insurance applications are processed properly; determining correct premiums; renewing, reforming, and cancelling insurance policies; transferring policies from the seller of the property to the purchaser of the property in certain circumstances; and processing insurance claims. Individuals obtain a NFIP policy directly from FEMA or through a private insurance company participating in NFIP's WYO program. The WYO program began in 1983 with NFIP operating under Part B of the NFIA, and allows FEMA to authorize private insurance companies to issue the Standard Flood Insurance Policy (SFIP) as FEMA's fiduciary and fiscal agent. Building and contents coverage may be purchased separately or together under NFIP.

Participating WYO insurance companies sell a SFIP to a home or business owner, which is often an existing customer who has also purchased other private lines of insurance (such as home and fire). Mortgage lenders require borrowers to purchase flood insurance in addition to regular homeowner's insurance because NFIA requires flood insurance as a condition for obtaining a federally-backed mortgage for a property located in a Special Flood Hazard Area (SFHA) as shown on the Flood Insurance Rate Map (FIRM). The home or business owner is required to purchase flood insurance as a condition for obtaining a federally-backed loan if an owner or borrower's insurance company participates in the WYO program and the home or business owner's building is located in an SFHA. In addition, mortgage lenders can contractually require the owner or borrower to obtain flood insurance.

Flood insurance agents and brokers serving owners or applicants submit flood applications to FEMA's NFIP Direct Servicing Agent (DSA) or to a participating WYO insurance company as the prospective insurer. The DSA (for FEMA-issued policies) or insurer processes the applications, policies, and claims. The DSA or insurer receives the application, processes the application, and determines eligibility and premiums for the policy. The DSA or insurer then issues the appropriate SFIP policy in accordance with the applicable statutes and regulations.

FEMA's Community Rating System (CRS) enables flood insurance premiums to be less expensive for insurance policy holders in communities that implement protective floodplain management practices designed to lessen the impact of damages caused by future floods to insurable property. These practices include activities such as enforcing building codes that limit new construction in flood prone areas and implementing public education programs to avoid flood damage.

Private insurers issue SFIPs in their own name, administer and process SFIP claims, and market and sell SFIPs in their capacity as FEMA's fiduciary and fiscal agent under the WYO program. The paid premiums of SFIPs and claims payments for damaged property are processed through the National Flood Insurance Fund (NFIF). NFIF was established by the National Flood Insurance Act of 1968 (42 U.S.C. 4001, et seq.), and is a centralized premium revenue and fee-generated fund that supports NFIP, which holds these U.S. Treasury funds. Portions of the paid

SFIP premiums cover the private insurer's administrative and operating costs. Thus, the private insurers' own funds are not used in issuing checks to SFIP claimants. Private insurers handle all SFIP claims they issue and adjust and settle SFIP claims consistent with FEMA guidelines and standards.

FEMA directly handles appeals from all policyholders pursuant to 44 CFR 62.20 processes. Section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (FIRA), 42 U.S.C. 4011, requires FEMA to establish an appeals process for flood insurance policyholders to dispute claims, proof of loss, or loss estimate decisions made by any insurance agent or adjuster, WYO agent, insurance company, or FEMA.

As part of NFIP, FEMA engages in marketing efforts to publicize and educate the public on the NFIP program in accordance with 42 U.S.C. 4020. FEMA targets these marketing efforts towards homeowners and business owners whose properties are located in a participating NFIP community. FEMA also provides useful general rate quote information to prospective flood insurance buyers by linking them with prospective insurance agents serving their areas. FEMA facilitates this connection using internet Web sites and other marketing media to provide a 1–800 number to the NFIP Telephone Response Center that provides general information about NFIP.

Previously, DHS/FEMA issued separate systems of records notices to cover information collection and maintenance in the various NFIP functions. However, FEMA is consolidating key NFIP program functions into one comprehensive notice to streamline compliance documentation processes and increase transparency. DHS/FEMA has consolidated categories of individuals, categories of records, authority for maintenance, routine uses, retrievability, retention and disposal, and record sources from the previous system of records notices to more accurately reflect these NFIP systems and functions. DHS/FEMA proposes to update and reissue this renewed system of records notice as a result of a review necessary to consolidate the system of records. First, FEMA updated the category of individuals to include individuals requesting NFIP information and Severe Repetitive Loss (SRL) property owners (previously known as Repetitive Loss Target Group). FEMA next modified the category of records to include documents submitted to DHS/FEMA verifying primary residence, names and contact information of insurance adjusters, and individuals seeking NFIP information. Changes to category of records also include notations and documentation of payments and payment related transactions or inquiries from other sources regarding insured properties (such as mortgage lenders). Finally, FEMA updated the routine uses to include the addition of routine use (V) that allows FEMA to share information with private reinsurers, private capital firms, and financial institutions to comply with section 232(c)(2) of Biggert Waters Act of 2012. Additionally, FEMA modified routine use (A) to include former employees of DHS and to eliminate redundant language; updated routine use (C) to specify that information may be shared with the General Services Administration (GSA); and modified routine uses (D), (E), (O), (P), and (Q) for clarity.

This system of records allows DHS/FEMA to collect and maintain records and information regarding applicants, policyholders, prospective policyholders, insurance agents, and other individuals associated with NFIP. DHS/FEMA needs the information in order to properly administer the NFIP. The NFIP system collects and maintains records of individuals that seek NFIP policies and/or rate quotes, apply for an NFIP policy, make NFIP insurance claims, appeal flood insurance claim decisions, and are involved in NFIP administration or marketing efforts.

Consistent with DHS and FEMA's information-sharing mission, information stored in the DHS/FEMA—003 National Flood Insurance Program Files System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/FEMA may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

This consolidated and updated system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/FEMA—003 National Flood Insurance Program Files System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

System of Records

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)—003

SYSTEM NAME:

DHS/FEMA—003 National Flood Insurance Program Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

FEMA maintains records at FEMA Headquarters in Washington, DC and FEMA field offices, Write Your Own (WYO) companies' office locations, and the Direct Servicing Agent (DSA) offices. Additionally, FEMA may store records in the FEMA National Flood Insurance Program (NFIP) Information Technology Systems (ITS) and FloodSmart.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include individual flood insurance policyholders; policyholders who claim losses due to flooding; flood insurance claimants who appeal flood loss decisions; individuals requesting NFIP information; applicants (individuals or certifiers); Severe Repetitive Loss (SRL) property owners (previously known as Repetitive Loss Target Group); independent insurance agents; WYO insurance companies and WYO company agents; representatives from communities that submit Community Rating System (CRS) applications; and certified flood adjusters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the NFIP system include:

- Individual or property owner's name;

- Social Security number (SSN) for older policies, as NFIP has ceased collecting and maintaining this information;
- Property addresses;
- Telephone numbers;
- Email address;
- Tax Identification Number (TIN);
- Insurance policy numbers and coverage information;
- Group Flood Insurance Program (GFIP) Certificate Holders Property (CHP) information:
  - Name of the bank or lender;
  - Date of mortgage; and
  - Address of bank/lender.
- Loan information, such as:
  - Loan number;
  - Names and addresses of first and possible second mortgages; and
  - File or identification number of loan.
- Administration records regarding an individual's policy, such as:
  - Transaction errors and rejects per WYO Company; and
  - Documents and photographs necessary to substantiate claims for losses not covered by policy (such as burglary or robbery);
- Elevation certificates of insured properties;
- Documents verifying primary residence of policyholder (i.e., driver's license or automobile registration);
- Adjuster reports and notations of adjusting company's paid bills (including photographs diagrams of damaged property that may or may not be covered by insurance);
- Names and contact information of insurance agents, adjusters, and adjusting companies;
- Property payments, related transaction notations, and records from other sources (i.e., homeowners insurance carrier and mortgage lender);
- Data elements required for reporting purposes under the FEMA Mitigation Directorate Bureau and Statistical Agent contract for private insurance companies including:
  - Policy reinstatement with/without policy changes;
  - Insurance claims; and
  - Payment of claims.

FEMA collects the following records to administer the claims appeal process:

- Property address where the loss occurred;
- List of damaged personal or real property that is subject of the appeal;
- Policyholder's statement of facts about the claim;
- Policyholder's statement on why the policyholder is disputing the claim's disposition and supporting proof or records to document the policyholder's position;
- Correspondence pertaining to the appeal, which includes the individual's contact information; and
- FEMA's appeal decision.

FEMA collects the following records to administer marketing efforts:

- Accounts or order numbers;
- Names and address of individuals seeking NFIP information;
- Flood insurance quote rate information and flood map zone rating for individuals seeking NFIP information;
- Individuals' feedback regarding NFIP, including information regarding awareness, attitudes, and satisfaction;
- Telephone Response Center (TRC) records regarding research conducted with policyholders, insurance agents, and WYO companies; and
- Names and contact information of insurance companies and agents responding to quote requests.

FEMA collects the following records to administer CRS rating determinations:

- CRS applications to adjust NFIP insurance premiums based on the mitigation activities implemented by a community;
- CRS participant (community and local government agency) contact information; and
- Other verification documents associated with CRS participation (such as elevation certificates).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001, et seq.

PURPOSE(S):

The purpose of this system of records is to manage and account for key NFIP aspects including policy or program marketing, policy issuance, claims processing, and claims appeals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or assignment for DHS, when necessary to accomplish an agency function related to this system of records. Any individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which

includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To Write Your Own insurance companies as authorized under 44 CFR 62.23 to administer flood insurance in partnership with FEMA.

I. To federal, state, local, and tribal government agencies, insurance companies, and established voluntary organizations in order to determine eligibility for benefits, verify non-duplication of benefits following a flooding event or another disaster, and provide needs unmet by NFIP claims payouts within their jurisdictions and service areas.

J. To state government agencies in order to provide GFIP certificates for carrying out the purposes of the NFIP within its jurisdiction.

K. To property loss reporting bureaus, state insurance departments, and insurance companies to investigate fraud or potential fraud in connection with claims, subject to the approval of the DHS Office of the Inspector General.

L. To state, local, and tribal government agencies to ascertain the degree of financial burdens they expect to assume in the event of a flooding disaster within its jurisdiction.

M. To state, local, and tribal government agencies to further NFIP outreach and education activities within their jurisdiction.

N. To state, local, and tribal government agencies that provide names, addresses of policyholders within their jurisdictions, and a brief general description of their plan for acquiring and relocating their flood prone properties for the purpose of ensuring that communities engage in floodplain management, improved real property acquisitions, and relocation projects that are consistent with the NFIP. This is contingent upon the Federal Insurance Mitigation Administration determining that the use furthers the flood plain management and hazard mitigation goals of the agency.

O. To the Army Corps of Engineers and federal, state, local, and tribal government agencies to review NFIP policy and claims information for properties within its jurisdiction in order to assist in hazard mitigation and floodplain management activities, and in monitoring compliance with the floodplain management measures adopted by the community.

P. To lending institutions and mortgage servicing companies for purposes of assisting with lender compliance.

Q. To current owners of properties for the purpose of providing the dates and dollar amounts of past loss payments made to the said property.

R. To federal, state, local, and tribal government agencies to conduct research, analysis, and feasibility studies of policies and claims within its jurisdiction.

S. To financial institutions for purposes of providing referral or cooperative reimbursement payments to insurance agents to share marketing and advertising costs between NFIP and entities participating in the NFIP.

T. To community officials and representatives to provide repetitive loss records of properties within that community.

U. To OMB in for purposes related to the review of private relief legislation in accordance with OMB Circular No. A–19.

V. To private reinsurers, private capital firms, and financial institutions for the purposes of preparing NFIP assumption of risk proposals.

W. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

DHS/FEMA discloses information from this system to ''consumer reporting agencies,'' per 5 U.S.C. 552a(b)(12), as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), as amended; or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3), as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

DHS/FEMA stores records in this system electronically or on paper in secure facilities, in a locked drawer, and behind a locked door. The records are stored on magnetic disc, tape, and digital media.

RETRIEVABILITY:

DHS/FEMA retrieves records by individual or policyholder's name; an individual's insurance policy number; Repetitive Loss Target Group number; property address or legal description of the property; telephone number; insurance agents; an individual's uniquely identifying case, account, or order number; and CRS application number.

SAFEGUARDS:

DHS/FEMA safeguards records in this system according to applicable rules and policies, including all applicable DHS automated system security access policies. DHS/FEMA has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

Policy records are kept as long as the property owner is enrolled in the insurance program and pays the policy premiums. Records are cutoff when the file becomes inactive. Policy records are destroyed five years after the cutoff with FEMA Records Schedule N1–311–86–1, Item 1A13a(2). Claim records are maintained for six years and three months after final action, unless litigation exists. Records are disposed in accordance with FEMA Records Schedule N1–311–86–1, Item 2A212(2)(b). Claims records with pending litigation are destroyed after review by General Counsel with FEMA Records Schedule N1–311–86–1, Item 2A13a(1). Consumer records, including CRS records are retired to the Federal Records Center two years after cutoff, and destroyed 10 years after cutoff in accordance with FEMA Records Schedule N1–311–02–01, Item 4.

SYSTEM MANAGER AND ADDRESS:

Associate Administrator, Federal Insurance and Mitigation Administration, FEMA Headquarters, 500 C Street SW., Washington, DC 20472.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to FEMA's FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit a request to the Chief Privacy Officer and Chief Freedom of

Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any information that will help the FOIA staff determine which DHS component agency may have responsive records; and

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are obtained from individuals who apply for and individuals who are insured under the NFIP; WYO companies; flood insurance agents and lenders; individuals requesting NFIP information; insurance appraisal records, title reports, homeowner reports, notations, and documents from homeowner/condominium associations, and NFIP flood maps. DHS/FEMA and WYO companies use various Housing and Urban Development (HUD) and FEMA forms to collect information within this system of records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: May 8, 2014

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–11386 Filed 5–16–14; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2014–0013]

Privacy Act of 1974; Department of Homeland Security National Protection and Programs Directorate—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records

AGENCY: Department of Homeland Security, Privacy Office.

ACTION: Notice of Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/National Protection and Programs Directorate—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records.'' This system of records allows the Department of Homeland Security/National Protection and Programs Directorate to collect and maintain records on individuals—facility personnel and unescorted visitors—who have or are seeking access to restricted areas and critical assets at high-risk chemical facilities and compare this information to the Terrorist Screening Database, the terrorist watchlist maintained by the Federal Bureau of Investigation's Terrorist Screening Center. As a result of a biennial review of this system and changes to the Chemical Facility Anti-Terrorism Standards Personnel Surety Program, the Department of Homeland Security/National Protection and Programs Directorate is updating this system of records notice to include a new category of record and routine use. Administrative updates are being made globally to better align the description of the program with other CFATS Personnel Surety Program documentation. Additionally, the Department of Homeland Security is concurrently issuing a Final Rule to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the **Federal Register**. This notice also includes non-substantive changes to simplify the formatting and text of the previously published notice. This updated system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before June 18, 2014. This updated system will be effective June 18, 2014.

ADDRESSES: You may submit comments, identified by docket number DHS–2014–0013 by one of the following methods:

- Federal e-Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: 202–343–4010.
- Mail: Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Emily Andrew, (703) 235–2182, Privacy Officer, National Protection and Programs Directorate, Department of Homeland Security, Washington, DC 20528. For privacy questions, please contact: Karen L. Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) National Protection and Programs Directorate (NPPD) proposes to update and reissue a current DHS system of records titled, ''DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records.''

On October 4, 2006, the President signed the DHS Appropriations Act of 2007 (the Act), Public Law 109–295. Section 550 of the Act (Section 550) provides DHS with the authority to regulate the security of high-risk chemical facilities. DHS has promulgated regulations implementing Section 550, the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27.

Section 550 requires that DHS establish Risk Based Performance Standards (RBPS) as part of CFATS. RBPS–12 (6 CFR 27.230(a)(12)(iv)) requires that regulated chemical facilities implement ''measures designed to identify people with terrorist ties.'' The ability to identify individuals with terrorist ties is an inherently governmental function and requires the use of information held in government-maintained databases, which are unavailable to high-risk chemical facilities. Therefore, DHS is implementing the CFATS Personnel Surety Program, which will allow chemical facilities to comply with RBPS–12 by implementing ''measures designed to identify people with terrorist ties.''

The CFATS Personnel Surety Program will work with the DHS Transportation Security Administration (TSA) to identify individuals who have terrorist ties by vetting information submitted by each high-risk chemical facility against the Terrorist Screening Database (TSDB). The TSDB is the Federal Government's consolidated and integrated terrorist watchlist of known and suspected terrorists, maintained by the Department of Justice (DOJ) Federal Bureau of Investigation's (FBI) Terrorist Screening Center (TSC). For more information on the TSDB, see DOJ/FBI—019 Terrorist Screening Records System, 72 FR 47073 (August 22, 2007).

High-risk chemical facilities or their designees will submit the information of: (1) Facility personnel who have or who are seeking access, either unescorted or otherwise, to restricted areas or critical assets; and (2) unescorted visitors who have or who are seeking access to restricted areas or critical assets. These persons, about whom high-risk chemical facilities and facilities' designees will submit information to DHS, are referred to in this notice as ''affected individuals.'' Individual high-risk facilities may classify particular contractors or categories of contractors either as ''facility personnel'' or as ''visitors.'' This determination should be a facility-specific determination, and should be based on facility security, operational requirements, and business practices.

With the publication of this updated system of records, DHS is making the following changes: (1) Category of records has been updated to include Trusted Traveler Program information and information necessary to assist in verifying status of enrollment in another DHS program; and (2) routine use K has been added. Under routine use K, DHS may provide records to high-risk chemical facilities, or their designees, for the purpose of ensuring that information on all affected individuals submitted by or on behalf of the facility who have or are seeking access to restricted areas or critical assets has been appropriately submitted to DHS. A high-risk chemical facility may have access to information on the affected individuals that were submitted by the facility or on behalf of the facility. Designees of high-risk chemical facilities may only have access to information on the affected individuals that the designee submitted on behalf of the facility. Routine use K is compatible with the purposes for which the information is collected because the information will be used to ensure that the appropriate affected individuals are receiving the required terrorist ties checks.

In addition, administrative updates are being made globally to better align the description of the program with other CFATS Personnel Surety Program documentation. This notice also includes non-substantive changes to simplify the formatting and text of the previously published notice.

Under the CFATS Personnel Surety Program, for each affected individual a high-risk chemical facility, or its designee, may use the following options for submitting information to the Department (in addition to other options, not discussed in this systems of records notice, that would not involve submission of information to DHS):

Option 1—Direct vetting: High-risk chemical facilities (or their designees) may submit information to NPPD about an affected individual to be compared on a recurrent basis against identifying information of known or suspected terrorists, and/or

Option 2—Use of vetting conducted under other DHS programs: High-risk chemical facilities (or their designees) may submit information to NPPD about an affected individual's enrollment in the Transportation Worker Identification Credential (TWIC) Program, Hazardous Materials Endorsement (HME) Program, or the NEXUS, Secure Electronic Network for Travelers Rapid Inspection (SENTRI), Free and Secure Trade (FAST), and Global Entry Trusted Traveler Programs. Each of those programs conducts recurrent vetting, which is equivalent to the terrorist ties vetting conducted under Option 1.

Information will be submitted to DHS/NPPD through the Chemical Security Assessment Tool (CSAT), the online data collection portal for CFATS. The high-risk chemical facility or its designees will submit the information of affected individuals to DHS through CSAT. The submitters of this information (Submitters) for each high-risk chemical facility will also affirm, to the best of their knowledge, that the information is: (1) True, correct, and complete; and (2) collected and submitted in compliance with the facility's Site Security Plan (SSP) or Alternative Security Program (ASP), as authorized and/or approved in accordance with 6 CFR 27.245. The Submitter(s) of each high-risk chemical facility will also affirm that, in accordance with its Site Security Plans, notice required by the Privacy Act of 1974, 5 U.S.C. 552a, has been given to affected individuals before their information is submitted to DHS.

DHS previously indicated in the June 14, 2011 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records that it would issue a ''verification of receipt'' to the Submitter(s) of each high-risk chemical facility when a high-risk chemical facility: (1) Submits information about an affected individual for the first time; (2) submits additional, updated, or corrected information about an affected individual; or (3) notifies DHS that an affected individual no longer has or is seeking access to that facility's restricted areas or critical assets. However, DHS now intends to provide high-risk chemical facilities, and their designees, the ability to create an alert within the CSAT Personnel Surety application that can notify them when DHS has received information about an affected individual(s) under Option 1 or Option 2. Further, DHS will also allow high-risk chemical facilities the ability to view the status (e.g., that some information about an affected individual has been inputted into CSAT but not yet submitted to DHS under Option 1 or Option 2; or that information about an affected individual has been submitted) of records about affected individuals associated with their facility within the CSAT Personnel Surety application. High-risk chemical facilities may also have the ability to download reports from CSAT. These reports may include information submitted about affected individuals with access to that facility as well as status of enrollment in other DHS programs. High-risk chemical facilities will be responsible for managing their user roles and determining what access each user may have within the CFATS Personnel Surety application to ensure that only the appropriate users have access to the information about affected individuals being submitted to DHS.

Upon receipt of each affected individual's information in CSAT using Option 1—Direct vetting, DHS/NPPD

will send a copy of the information to DHS/TSA. Within DHS/TSA, the Office of Transportation Threat Assessment and Credentialing (TTAC) conducts vetting against the TSDB for several DHS programs. DHS/TSA/TTAC will compare the information of affected individuals collected by DHS (via CSAT) to information in the TSDB on a recurrent basis. DHS/TSA/TTAC will forward potential matches to the DOJ/FBI/TSC, which will make a final determination of whether an individual's information is identified as a match to a record in the TSDB.

Upon receipt of each affected individual's information in CSAT using Option 2—Use of vetting conducted under other DHS programs, DHS/NPPD will send information to DHS/TSA to verify enrollment in the TWIC or HME Program or to DHS/U.S. Customs and Border Protection (CBP) to verify enrollment in the Trusted Traveler Program. If an affected individual's enrollment in one of these programs is verified, NPPD will periodically re-verify the affected individual's continued enrollment. If the affected individual's enrollment in one of these programs is no longer verified, then NPPD will notify the high-risk chemical facility, or its designee. NPPD may initiate vetting under Option 1, as appropriate. The high-risk chemical facility will be responsible for taking action in accordance with its SSP or ASP, which may include submitting new or updated information on that affected individual.

In certain instances, DHS/NPPD may contact a high-risk chemical facility to request additional information (e.g., visa information) pertaining to particular individuals in order to clarify suspected data errors or resolve potential matches (e.g., when an affected individual has a common name). Such requests do not imply, and should not be construed to indicate that an individual's information has been confirmed as a match to a TSDB record.

DHS/NPPD may also conduct data accuracy reviews and audits as part of the CFATS Personnel Surety Program. High-risk chemical facilities may propose to maintain different sorts of records or information related to RBPS 12 as part of their SSP or ASP, and DHS expects that the records or information available could vary from one high-risk chemical facility to another. The types of information DHS may request from high-risk chemical facilities as part of data accuracy reviews or audits could thus vary from facility to facility, based on each facility's standard business practices and SSP or ASP. The records requested may contain information pertaining to affected individuals that was previously provided to DHS/NPPD by the high-risk chemical facility.

Consistent with DHS's information-sharing mission, information stored in the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records may be shared with other DHS components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS/NPPD may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this system of records notice.

Additionally, DHS is concurrently issuing a Final Rule to exempt this system of records from certain provisions of the Privacy Act elsewhere in the **Federal Register**. This updated system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/National Protection and Programs Directorate (NPPD)—002.

SYSTEM NAME:

DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program

SECURITY CLASSIFICATION:

Unclassified, Sensitive, For Official Use Only, Law Enforcement-Sensitive, and Classified.

SYSTEM LOCATION:

Records are maintained at the DHS and NPPD Headquarters in Washington, DC and field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) High-risk chemical facility personnel and unescorted visitors who have or are seeking access to restricted areas or critical assets at high-risk chemical facilities (see 6 CFR 27.230(a)(12)), referred to in this notice as ''affected individuals'';

(2) High-risk chemical facility personnel or designees who contact DHS/NPPD or a federal law enforcement entity with follow-up questions regarding submission of an individual's information to DHS/NPPD;

(3) Individuals listed in the TSDB against whom potential or confirmed matches have been made; and

(4) Individuals who have been or seek to be distinguished from individuals listed in the TSDB through redress or other means as a result of the Personnel Surety Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) High-risk chemical facilities are required to submit the following information on all facility personnel and unescorted visitors who have or are seeking access to restricted areas or critical assets:

a. U.S. Citizens and Lawful Permanent Residents

i. Full name;

ii. Date of birth; and

iii. Citizenship or Gender.

b. Non-U.S. persons

i. Full name;

ii. Date of birth;

iii. Citizenship; and

iv. Passport information and/or alien registration number.

(2) To reduce the likelihood of false positives in matching against the TSDB, high-risk chemical facilities may also (optionally) submit the following information on facility personnel and unescorted visitors who have or are seeking access to restricted areas or critical assets:

a. Aliases;

b. Gender (for Non-U.S. persons);

c. Place of birth; and

d. Redress Number.

(3) High-risk chemical facilities may submit different information on individuals who maintain DHS screening program credentials or endorsements that require TSDB checks equivalent to the checks to be performed as part of the CFATS Personnel Surety Program. Instead of submitting the information listed in category (1), above, high risk chemical facilities may submit the following information for such individuals:

a. Full name;

b. Date of birth;

c. Name of the DHS program that conducts equivalent vetting against the TSDB, such as the Transportation Worker Identification Credential (TWIC) Program, the Hazardous Materials Endorsement (HME) Program, or Trusted Traveler Program;

d. Unique number, or other program specific verifying information associated with a DHS screening program, necessary to verify an individual's enrollment, such as TWIC Serial Number for the TWIC Program, Commercial Driver's License (CDL) Number and CDL issuing state(s) for the HME Program, or PASS ID Number for the Trusted Traveler Program; and

e. Expiration date of the credential endorsed or issued by the DHS screening program.

This alternative is optional—high-risk chemical facilities may either submit the information listed in category (1) for such individuals, or may submit the information listed in category (3) for such individuals.

(4) When high-risk chemical facilities choose to submit the information listed in category (3), above, they may also (optionally) submit the following information on facility personnel and unescorted visitors who have or are seeking access to restricted areas or critical assets:

a. Aliases;

b. Place of Birth;

c. Gender;

d. Citizenship; and

e. Redress Number.

(5) DHS could collect additional identifying information from a high-risk chemical facility as necessary to confirm or clear a potential match to a TSDB record. Information collected by high-risk chemical facilities and submitted to DHS for this purpose could include any information listed in categories (1) through (4), passport information, visa information, driver's license information, or other available identifying particulars, used to compare the identity of an individual being screened with information listed in the TSDB;

(6) In the event that a confirmed match is identified as part of the CFATS Personnel Surety Program, in addition to other records listed under the categories of records section of this SORN, DHS will obtain references to or information from other government law enforcement and intelligence databases, as well as other relevant databases that may contain terrorism information;

(7) Information necessary to assist in tracking submissions and transmission of records or verifying status of enrollment in another DHS program, including electronic verification that DHS has received a particular record; and

(8) Information provided by individuals covered by this system in support of any redress request, including DHS Redress Numbers and/or any of the above categories of records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DHS Appropriations Act of 2007, Section 550, Public Law 109–295, 120 Stat. 1355 (October 4, 2006), as amended; and the Chemical Facility Anti-Terrorism Standards, 6 CFR Part 27.

PURPOSE(S):

The purpose of this system is to identify persons listed in the TSDB who have or are seeking access to restricted areas or critical assets at high-risk chemical facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To federal, state, local, tribal, territorial, foreign, multinational, or private sector entities as appropriate to assist in coordination of terrorist threat

awareness, assessment, analysis, or response.

I. To an appropriate federal, state, tribal, local, international, or foreign agency or other appropriate authority regarding individuals who pose, or are suspected of posing a risk to national security.

J. To an appropriate federal, state, tribal, local, international, foreign agency, other appropriate governmental entities or authority to:

1. Determine whether an individual is a positive identity match to an identity in the TSDB;

2. Facilitate operational, law enforcement, or intelligence responses, if appropriate, when vetted individuals' identities match identities contained in the TSDB;

3. Provide information and analysis about terrorist encounters and known or suspected terrorists to appropriate domestic and foreign government agencies and officials for counterterrorism purposes; or

4. Perform technical implementation functions necessary for the CFATS Personnel Surety Program.

K. To high-risk chemical facilities, or their designees, for the purpose of ensuring that information on all affected individuals submitted by or on behalf of the facility who have or are seeking access to restricted areas or critical assets at a high-risk chemical facility has been appropriately submitted to the Department.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

DHS/NPPD stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, digital media.

RETRIEVABILITY:

Records may be retrieved by searching any of the categories of records listed above. Records may also be retrievable by relevant chemical facility name, chemical facility location, chemical facility contact information, and by other facility-specific data points.

SAFEGUARDS:

DHS/NPPD safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. NPPD has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

A proposed schedule for the retention and disposal of records collected under the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records is being developed by the DHS and NPPD Offices of Records Management for approval by NARA.

The length of time DHS/NPPD will retain information on individuals will depend on individual TSDB vetting results. Specifically, individuals' information will be retained as described below, based on the individuals' placements into three categories:

(1) Information pertaining to an individual who is not a potential or confirmed match to a TSDB record will be retained for one year after a high-risk chemical facility has notified NPPD that the individual no longer has or is seeking access to the restricted areas or critical assets of the facility;

(2) Information pertaining to an individual who may originally have appeared to be a match a TSDB record, but who was subsequently determined not to be a match, will be retained for seven years after completion of TSDB matching, or one year after the high-risk chemical facility that submitted that individual's information has notified DHS/NPPD that the individual no longer has or is seeking access to the restricted areas or critical assets of the facility, whichever is later; and

(3) Information pertaining to an individual who is a positive match to a TSDB record will be retained for ninety-nine years after completion of matching activity, or seven years after DHS/NPPD learns that the individual is deceased, whichever is earlier.

DHS/TSA/TTAC will maintain records within its possession in accordance with the DHS/TSA–002—Transportation Security Threat Assessment System of Records, 75 FR 28046 (May 19, 2010). DHS/CBP will maintain records in its possession in accordance with the DHS/CBP–002—Global Enrollment System of Records, 71 FR 20708 (April 21, 2006).

DHS/NPPD will also retain records to conduct inspections or audits under 6 CFR 27.245 and 6 CFR 27.250 to ensure that high-risk chemical facilities are in compliance with CFATS. These records could include the names of individuals with access to high-risk chemical facilities' restricted areas and critical assets, the periods of time during which high-risk chemical facilities indicate that such individuals have/had access, and any other information listed elsewhere in this notice, as appropriate.

The retention periods for these records provide reasonable amounts of time for law enforcement, intelligence, or redress matters involving individuals who have or are seeking access to restricted areas or critical assets at high-risk chemical facilities.

SYSTEM MANAGER AND ADDRESS:

CFATS Personnel Surety Program Manager, 250 Murray Lane SW., Mail Stop 0610, Washington, DC 20528.

NOTIFICATION PROCEDURE:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act. However, DHS/NPPD will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and DHS or NPPD FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, Mail Stop 0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR Part

5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. § 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, you should:

• Explain why you believe the Department would have information on you;

• Identify which component(s) of the Department you believe may have the information about you;

• Specify when you believe the records would have been created; and

• Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

NPPD obtains records from high-risk chemical facilities and their designees. High-risk chemical facilities must provide notice to each affected individual prior to submission of the affected individual's information to DHS/NPPD. This will include notice that additional information may be requested after the initial submission. NPPD may also obtain information from other DHS programs when DHS verifies enrollment of an affected individual in another vetting or credentialing program. Information may also be obtained from the DOJ/FBI—019 Terrorist Screening Records System, 72 FR 47073 (August 22, 2007), or from other FBI sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2), has exempted this system from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f).

When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j) or (k), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here. For more information on the FBI's Terrorist Screening Records System, see DOJ/FBI—019 Terrorist Screening Records System, 72 FR 47073 (August 22, 2007).

DHS does not claim any exemptions for the information high-risk chemical facilities or their designees submit to DHS as part of this system of records.

Dated: May 1, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–11431 Filed 5–16–14; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0105]

Agency Information Collection Activities: Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, Form G–28; G–28I; Revision of a Currently Approved Collection.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

USCIS is also soliciting comments regarding additional features proposed for incorporation into form G–28. The new features clarify USCIS notification practices relating to represented parties. Specifically, USCIS is revising the G–28 to provide that, for represented parties DHS will send all original notices and documents regarding any application or petition filed with DHS to the applicants and petitioners directly with a courtesy copy sent to the attorney of record or accredited representative. However, on the form the applicant or petitioner may instruct USCIS to (a) send any notice regarding an application or petition that he or she has filed with DHS to the business address of their attorney of record or accredited representative as listed in the form, or; (b) send any secure identity document, such as a Permanent Resident Card or Employment Authorization Document, that he or she is approved, for to the official business address of his or her attorney of record or accredited representative. The proposed new forms are available for review in the docket.

DATES: Comments are encouraged and will be accepted for 60 days until July 18, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0105 in the subject box, the agency name and Docket ID USCIS–2008–0037. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2008–0037;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov*;

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that

is available via the link in the footer of *http://www.regulations.gov*.

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do*, or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies 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 or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–28; G–28I; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. The information collected on forms G–28 and G–28I allow an attorney to identify their representation of person in matters either within the geographical confines of the United States, or outside of the geographical confines of the United States respectively.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* For the paper G–28, 2,223,700 respondents with an average response time of .833 hour (50 minutes); for the ELIS-filed G–28, 281,950 respondents with and average response time of .667 hour (40 minutes); for the paper G–28I, 25,057 respondents with an average response time of .833 hour (50 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* 2,057,943 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: May 14, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–11530 Filed 5–16–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2014–0005; OMB Control Number 1014–0015; 14XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Unitization; Proposed Collection; Comment Request

ACTION: 60-Day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns a revision to the paperwork requirements in the regulations under Subpart M, *Unitization.*

DATES: You must submit comments by July 18, 2014.

ADDRESSES: You may submit comments by either of the following methods listed below.

- Electronically go to *http://www.regulations.gov*. In the Search box, enter BSEE–2014–0005 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *cheryl.blundon@bsee.gov*.

Mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 381 Elden Street, HE3313; Herndon, Virginia 20170–4817. Please reference ICR 1014–0019 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607 to request additional information about this ICR.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 250, Subpart M, *Unitization.*

OMB Control Number: 1014–0015.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Section 1334(a) specifies that the Secretary ''provide for the prevention of waste and conservation of the natural resources of the [O]uter Continental Shelf, and the protection of correlative rights therein'' and include provisions for ''unitization, pooling, and drilling agreements.''

In addition to the general rulemaking authority of the OCS Lands Act at 43 U.S.C. 1334, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 108 of FOGRMA, 30 U.S.C. 1718, grants the Secretary broad authority to inspect lease sites for the purpose of determining whether there is compliance with the mineral leasing laws. Section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has delegated some of the authority under FOGRMA to BSEE, 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the

Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and the Office of Management and Budget (OMB) Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, BSEE is required to charge fees for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those which accrue to the public at large. Voluntary or revised unitization requests are required in Subpart M and are subject to cost recovery; BSEE regulations specify service fees for these requests.

The BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

This authority and responsibility are among those delegated to BSEE. This notice concerns the paperwork requirements of 30 CFR Part 250, Subpart M, Unitization, and related documents. Responses are mandatory or are required to obtain or retain a benefit. No questions of a sensitive nature are asked. We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2); 30 CFR 250.197, *Data and information to be made available to the public or for limited inspection* and 30 CFR part 252, *OCS Oil and Gas Information Program.*

Frequency: The frequency of reporting is on occasion.

Description of Respondents: Potential respondents comprise Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The currently approved annual reporting and non-hour cost burdens for this collection are 3,348 hours and $170,728 non-hour cost burdens. In this submission, we are requesting a total of 5,772 burden hours and $138,188 non-hour cost burdens. The following chart details the individual components and respective hour and non-hour cost burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BILLING CODE 4310–VH–P

Citation 30 CFR 250 Subpart M	Reporting Requirement	Hour Burden	Average No. Annual Responses	Annual Burden Hours
		Non-Hour Cost Burdens		
Requests				
1301	Description of requirements.	Burden included in the following sections.		0
1301(d), (f)(3), (g)(1), (g)(2)(ii)	Request suspension of production or operations.	Burden covered in 1014-0022.		0
1302(b)	Request preliminary determination on competitive reservoir.	116	1 request	116
1304(b)	Request compulsory unitization, including submitting unit agreement, unit operating agreement, initial plan of operation, obtain approval of Regional Supervisor if required, and supporting data; serving non-consenting lessees with documents.	234	1 request	234
1304(d)	Request hearing on required unitization.	1	1 request	1
		Subtotal	**3 responses**	**351 hours**
				Submittals
1302(b)	Submit concurrence or objection on competitiveness with supporting evidence.	47	1 request	47
1302(c), (d)	Submit joint plan of operations, supplemental plans, or a separate plan if agreement cannot be reached.	68	1 plan	68
1303; 1304	*Submit revisions or modifications to unit agreement, unit operating agreement, plan of operation, change of unit operator, etc.	15	41 revs/mods	615
		$896 fees x 41 revisions/modifications = $36,736		
1303; 1304	*Submit initial, and revisions to, participating area.	76	9 submissions	684
1304(d)	Submit statement at hearing on compulsory unitization.	5	1 statement	5
1304(e)	Pay for and submit three copies of verbatim transcript of hearing.	1	1 submission	1
		Court reporter and 3 transcript copies for 1 hearing = $500		
Subtotal			**54 responses**	**1,420 hours**
			$37,236 non-hour cost burdens	
General				

Citation 30 CFR 250 Subpart M	Reporting Requirement	Hour Burden	Average No. Annual Responses	Annual Burden Hours
		Non-Hour Cost Burdens		
1303	Apply for voluntary unitization, include submitting unit agreement, unit operating agreement, initial plan of operation, obtain BSEE approval if required, and supporting data; request for variance from model agreement and other related requirements.	500	8 apps / plans	4,000
		$12,619 fee x 8 applications/plans = $100,952		
1304(f)	Appeal final order of compulsory unitization.	Exempt as defined in 5 CFR 1320.4(a)(2), (c).		0
1300-1304	General departure / alternative compliance requests not specifically covered elsewhere in subpart M regulations.	1	1 requests	1
Subtotal			**9 responses**	**4,001 hours**
			$100,952 non-hour cost burdens	
Total Burden			**66 Responses**	**5,772 Hours**
			$138,188 Non-Hour Cost Burdens	

* These requirements are specified in each Unit Agreement.

BILLING CODE 4310–VH–C

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified three non-hour cost burdens associated with this information collection. Section 250.1303 requires respondents to pay filing fees when (1) applying for a voluntary unitization proposal or unit expansion ($12,619), as well as a (2) unitization revision ($896). The filing fees are required to recover the Federal Government's processing costs. Section 250.1304(d) provides an opportunity for parties notified of compulsory unitization to request a hearing; therefore § 250.1304(e) requires the party seeking the compulsory unitization to (3) pay for the court reporter and three copies of the verbatim transcript of the hearing (approximately $500); for a total of $138,188. We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ". . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .". Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

Agencies must also estimate the non-hour paperwork cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have other than hour burden costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. For further information on this burden, refer to 5 CFR 1320.3(b)(1) and (2), or contact the Bureau representative listed previously in this notice.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedures: 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 10, 2014.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2014–11502 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–FHC–2014–N085; FF07CAMM00.FX.FR133707MT000]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on May 31, 2014. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before June 18, 2014.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB–OIRA at (202) 395–5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 2042–PDM, 4401 North Fairfax Drive, Arlington, VA 22203 (mail), or *hope_grey@fws.gov* (email). Please include ''1018–0066'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone). You may review the ICR online at *http://www.reginfo.gov*. Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

Information Collection Request

OMB Control Number: 1018–0066.

Title: Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts, 50 CFR 18.23(f) and 50 CFR 18.26.

Service Form Number(s): 3–2406, 3–2414, 3–2415, and 3–2416.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals and households.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of respondents	Number of responses	Completion time per response (minutes)	Total annual burden hours
3–2406 (Beach-found)	300	300	15	75
3–2414 (Polar bear)	25	60	15	15
3–2415 (Walrus)	100	500	15	125
3–2416 (Sea otter)	75	1,280	15	320
Totals	500	2,140		535

Abstract: Under section 101(b) of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361–1407), Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans may harvest polar bears, northern sea otters, and Pacific walruses for subsistence or handicraft purposes. Section 109(i) of the MMPA authorizes the Secretary of the Interior to prescribe marking, tagging, and reporting regulations applicable to the Alaska Native subsistence and handicraft take.

On behalf of the Secretary, we implemented regulations at 50 CFR 18.23(f) for Alaska Natives harvesting polar bears, northern sea otters, and Pacific walruses. These regulations enable us to gather data on the Alaska Native subsistence and handicraft harvest and on the biology of polar bears, northern sea otters, and Pacific walruses in Alaska to determine what effect such take may be having on these populations. The regulations also provide us with a means of monitoring the disposition of the harvest to ensure that any commercial use of products created from these species meets the criteria set forth in section 101(b) of the MMPA. We use three forms to collect the information: FWS Form 3–2414 (Polar Bear Tagging Certificates), FWS Form 3–2415 (Walrus Tagging Certificates), and FWS Form 3–2416 (Sea Otter Tagging Certificates). The information we collect includes, but is not limited to:

- Date of kill.
- Sex of the animal.
- Kill location.
- Age of the animal (i.e., adult, subadult, cub, or pup).
- Form of transportation used to make the kill of polar bears.
- Amount of time (i.e., hours/days hunted) spent hunting polar bears.
- Type of take (live-killed or beach-found) for walrus.
- Number of otters present in and number of otters harvested from pod.
- Condition of the polar bear and whether or not bear cubs were present.
- Name of the hunter or possessor of the specified parts at the time of marking, tagging, and reporting.

We are proposing to use FWS Form 3–2406 (Registration of Certain Dead Marine Mammal Hard Parts) to record the collection of bones, teeth, or ivory of dead marine mammals by non-Native and Natives not eligible to harvest marine mammals under the MMPA. It is legal to collect such parts from a beach or from land within a quarter of a mile of the ocean (50 CFR 18.26). The information we collect will include, but is not limited to:

- Date and location found.
- Age, sex, and size of the animal.
- Tag numbers.
- Name, address, phone number, and birthdate of the collector.

Comment Received and Our Response

Comments: On November 8, 2013, we published in the **Federal Register** (78 FR 67184) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on January 7, 2014. We received one comment. The commenter objected to the killing of polar bears in general, but did not address the information collection requirements. We did not make any changes to our requirements.

The regulations at 50 CFR 18.23(a) reaffirm the exemption for Alaska Natives, which allows for the taking (harvest) of marine mammals (including polar bears) by any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean, subject to the restrictions contained in section 18.23, if such taking is:

(1) For subsistence purposes; or

(2) For purposes of creating and selling authentic native articles or handicraft and clothing; and

(3) In either of the above cases, not accomplished in a wasteful manner.

Request for Public Comments

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: May 14, 2014.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2014–11518 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–R–2013–N290; FXRS12610600000–145–FF06R06000]

Quivira National Wildlife Refuge, Stafford, Kansas; Final Comprehensive Conservation Plan and Finding of No Significant Impact for Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for the environmental assessment (EA) we prepared on the CCP for Quivira National Wildlife Refuge. The final CCP describes how we intend to manage the refuge for the next 15 years.

ADDRESSES: You will find the final CCP, the EA, and the FONSI on our planning Web site at *http://www.fws.gov/mountain-prairielplanning/ccp/ks/qvrlqvr.html.* A limited number of hard copies are available. You may request one by any of the following methods:

Email: toni_grifjin@fivs.gov. Include ''Quivira NWR'' in the subject line of the message.

U.S. Mail: Toni Griffin, Planning Team Leader, Suite 300, 134 Union Boulevard, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, (303) 236–4378 (phone); (303) 236–4792 (fax); or *toni_grifjin@fivs.gov* (email).

SUPPLEMENTARY INFORMATION: Introduction With this notice, we continue the CCP process for Quivira National Wildlife Refuge, which we began by publishing a notice of intent in the **Federal Register** (75 FR 8394) on February 24, 2010. For more about the initial process and the history of this refuge, see that notice. We released the draft CCP and EA to the public, announcing and requesting comments in a notice of availability (78 FR 23778) on April 22, 2013.. The 40-day comment period ended on May 31, 2013. A summary of public comments and the agency responses is included in the final CCP.

Background

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee) (Administration Act), requires us to develop a CCP for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS mission, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

Additional Information About the CCP,·EA, and FONSI

The final CCP includes detailed information about the planning process, refuge; management issues, and management alternative selected. The EA includes discussion of alternative refuge management options. The Service's selected alternative is reflected in the final CCP, and also in the FONSI.

The selected alternative for the refuge focuses on restoring native communities and promoting the potential natural range of conditions on Quivira National Wildlife Refuge that help focal resources or focal species and their respective habitats, and on increasing public use opportunities for hunting. We will increase our attention and understanding of the connectedness of habitats and the effectiveness of our management. To achieve this alternative, relatively minor changes will likely be required in our operations; inventory, monitoring programs, and research; staff; and infrastructure. A detailed description of objectives and actions included in this selected alternative is found in chapter 4 of the final CCP.

Dated: March 20, 2014.

Matt Hogan,

Acting Regional Director, Mountain-Prairie region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–11483 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N076; FXES11120800000–145–FF08EVEN00]

Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail; Charvonia Parcel, Community of Los Osos, San Luis Obispo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Linda and Russ Charvonia for a 10-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of the federally endangered Morro shoulderband snail that is likely to occur incidental to the construction, maintenance, and occupation of a single-family residence and implementation of a conservation strategy on an existing legal single-family-zoned parcel in Los Osos, San Luis Obispo County, California. We invite comments from the public on the application package, which includes the Charvonia Parcel Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail (HCP). This proposed action has been determined to be eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA).

DATES: To ensure consideration, please send your written comments by June 18, 2014.

ADDRESSES: You may download a copy of the habitat conservation plan, draft environmental action statement and low-effect screening form, and related documents on the internet at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail or phone (see below). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Julie M. Vanderwier, Fish and Wildlife Biologist, at the above address or by calling (805) 644–1766.

SUPPLEMENTARY INFORMATION: We have received an application from Linda and Russ Charvonia for a 10-year ITP under the Act. The application addresses the potential for ''take'' of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) that is likely to occur incidental to the construction, maintenance, and occupation of a single-family residence, and implementation of a conservation strategy on an existing legal single-family-zoned parcel in the unincorporated community of Los Osos, San Luis Obispo County, California. The applicants have committed to implement a conservation program to minimize and mitigate project activities that are likely to result in take of the Morro shoulderband snail as described in their plan. We invite comments from the public on the application package, which includes the Charvonia Parcel Low-Effect HCP for the Morro Shoulderband Snail. This proposed action has been determined to be eligible for a categorical exclusion under NEPA.

Background

We listed the Morro shoulderband as endangered on December 15, 1994 (59 FR 64613). Section 9 of the Act and its implementing regulations (16 U.S.C. 1531 *et seq.*) prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. The Act defines ''incidental take'' as take that is not the purpose of carrying out of an otherwise lawful activity. The Code of Federal Regulations provides those regulations governing incidental take permits for threatened and endangered species at 50 CFR 17.32 and 17.22. Issuance of an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plant species.

The Applicants' Proposed Project

Linda and Russ Charvonia (hereafter, the applicants) are the owners of an existing residentially zoned 27,500 square-foot (0.59-acre) parcel legally described as County of San Luis Obispo Assessor Parcel Number 074–483–021. It is located at 2599 San Dominico Avenue in the western portion of Los Osos, an unincorporated community of San Luis Obispo County, California. The applicants have submitted a low-effect habitat conservation plan in support of their application for an ITP to address take of Morro shoulderband snail likely to occur as the result of direct impacts to up to 16,705 square feet (sf) (0.39-acre) of native and nonnative habitat occupied by the species. This take would be associated with the construction, maintenance, and occupation of a single-family residence. Additional take could occur on approximately 7,500 sf (0.17-acre) in association with the implementation of a habitat enhancement program for Morro manzanita (*Arctostaphylos morroenis*), a federally threatened plant species. The applicants are requesting a permit for take of Morro shoulderband snail that would result from ''covered activities'' in the HCP that include the construction, maintenance, and occupation of a single-family residence and three-car garage; installation and maintenance of associated landscaping/infrastructure; and implementation of a habitat restoration program for Morro manzanita.

The applicants propose to minimize and mitigate take of Morro shoulderband snail associated with the covered activities by fully implementing the HCP. The following measures would be implemented to minimize the effects of the taking: (1) Pre-construction and concurrent construction monitoring surveys for Morro shoulderband snail would be conducted, (2) all identified individuals of any life stage of Morro shoulderband snail would be captured and moved out of harm's way to a Service-approved receptor site by an individual in possession of a current valid recovery permit for the species, and (3) a contractor and employee environmental training program for Morro shoulderband snail would be developed and implemented. To mitigate for unavoidable take, the applicants would contribute $8,352 to an impact-directed environmental account held and administered by the National Fish and Wildlife Foundation. The use of these funds is to implement recovery tasks identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California* (USFWS 1998). The applicants would fund up to $11,900, as needed, to ensure implementation of all of the minimization measures and reporting requirements identified in the HCP.

In the proposed HCP, the applicants consider two alternatives to the proposed action: ''No Action'' and ''Project Design.'' Under the ''No Action'' alternative, the Service would not issue an ITP, and the Charvonia parcel could not be legally constructed. Absent the ITP, there would be no contribution of in-lieu fees to effect recovery actions for the Morro shoulderband snail. Since the property

is privately owned, there are ongoing economic considerations associated with continued ownership absent its intended use upon purchase, the primary of which is payment of associated taxes. The sale of this property for other than the currently zoned and identified purpose is not considered biologically meaningful or economically feasible. Because of economic considerations and because the proposed action results in a net benefit for the Morro shoulderband snail, the No Action Alternative has been rejected.

Under the ''Project Redesign'' alternative, the proposed project would be redesigned with the goal of avoiding or further reducing take of Morro shoulderband snail. Approximately 35 percent of the parcel is currently conserved and may not be built upon. As such, there is limited area where a single-family residence could be constructed. Within this remaining 65 percent of the site, habitats are a combination of native and nonnative, and variously occupied by Morro shoulderband snail. As such, it is not likely that any redesign would substantially avoid additional take of Morro shoulderband snail while also using the site for the purpose for which it was purchased. For these reasons, the project redesign alternative has also been rejected.

Our Preliminary Determination

We are requesting comments on our preliminary determination that the applicants' proposal will have a minor or negligible effect on the Morro shoulderband snail and that the plan qualifies for a low-effect HCP as defined by our Habitat Conservation Planning Handbook (November 1996). Three criteria form the basis for our determination: (1) Implementation of the proposed project as described in the HCP would result in minor or negligible effects on federally listed, proposed, and/or candidate species and their habitats; (2) implementation of the HCP would result in minor negligible effects on other environmental values or resources; and (3) HCP impacts, considered together with those of other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant effects. It is our preliminary determination that HCP approval and ITP issuance qualify for categorical exclusion under the NEPA (42 U.S.C. 4321 *et seq.*), as provided by the Department of Interior Manual (516 DM 2 Appendix 2 and 516 DM 8); however, we may revise our determination based upon review of public comments received in response to this notice.

Next Steps

We will evaluate the permit application, including the HCP and comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the ITP would comply with section 7(a)(2) of the Act by conducting an intra-Service Section 7 consultation.

Public Review

We are requesting comments on our determination that the applicants' proposal will have a minor or neglible effect on the Morro shoulderband snail and that the plan qualifies as a low-effect HCP. We will evaluate the permit application, including the HCP and comments we receive, to make a final determination regarding whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will use the results of our intra-Service consultation, in combination with the above findings, in our final analysis to determine whether to issue the ITP. If the requirements are met, we will issue the permit to the applicants to authorize incidental take of Morro shoulderband snail. We will make the final permit decision no sooner than 30 days after the date of this notice.

Public Comments

If you wish to comment on the permit applications, HCP, and associated documents, you may submit comments by any one of the methods provided in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority: We provide this notice under section 10(c) of the Act and the NEPA public involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6).

Dated: May 12, 2014.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2014–11477 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N077; FXES11120800000–145–FF08EVEN00]

Moreno Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail; Community of Los Osos, San Luis Obispo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Cayetano Moreno (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of the federally endangered Morro shoulderband snail that may occur incidental to the construction, maintenance, and occupation of a single-family residence and guesthouse and the implementation of a conservation plan. We invite comments from the public on the application package, which includes the Moreno Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail (HCP). We have determined that this proposed action is eligible for a categorical exclusion under the National Environmental Policy Act of 1969, as amended (NEPA).

DATES: To ensure consideration, please send your written comments by June 18, 2014.

ADDRESSES: You may download a copy of the habitat conservation plan, draft environmental action statement and low-effect screening form, and related documents on the internet at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail or phone (see below). Please address written comments to Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. You may alternatively send comments by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Julie M. Vanderwier, Senior Fish and Wildlife Biologist, at the above address, or by calling (805) 644–1766.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from Cayetano Moreno (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as

amended (Act). The application addresses the potential for ''take'' of the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) that may occur incidental to the construction, maintenance, and occupation of a single-family residence and guesthouse and the implementation of a conservation strategy on an existing legal parcel in the unincorporated community of Los Osos, San Luis Obispo County, California. The Applicant requests a permit term of 8 years and commits to implement a conservation program to minimize and mitigate project activities that are likely to result in take of the Morro shoulderband snail as described in their plan. We invite comments from the public on the application package, which includes the Moreno Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail (HCP). We have determined that this proposed action is eligible for a categorical exclusion under NEPA.

Background

The Morro shoulderband snail (= banded dune snail; *Helminthoglypta walkeriana*) was listed by the Service as endangered on December 15, 1994 (59 FR 64613). Section 9 of the Act and its implementing regulations (16 U.S.C. 1531 *et seq.*) prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. This section defines ''incidental take'' as take that is not the purpose of carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are provided in the Code of Federal Regulations at 50 CFR 17.32 and 17.22. Issuance of an incidental take permit (ITP) must not jeopardize the existence of federally listed fish, wildlife, or plant species.

Applicant's Proposal

The applicant has submitted a low-effect HCP in support of his application for an ITP to address take of Morro shoulderband snail likely to result from impacts associated with the development of a 1.2-acre (52,272 square feet; sf) parcel. Take would be associated with the construction, maintenance, and occupation of a single-family residence and guesthouse, and associated infrastructure and landscaping, on an existing parcel legally described as County of San Luis Obispo Assessor Parcel Number 074–323–020. This parcel is located at the northeastern corner of Chumash Lane and Al Sereno in Los Osos, an unincorporated community of San Luis Obispo County, California. The applicant is requesting an ITP to address incidental take of Morro shoulderband snail that is likely to result from activities identified in the HCP. These ''covered'' activities include the construction, maintenance, and occupation of a single-family residence and guesthouse, along with associated infrastructure and landscaping, as well as implementation of a conservation strategy. Project implementation would, at a minimum, result in permanent impacts to approximately 0.2 acre (8,712 sf); however, could result in some level of disturbance to an additional 0.425 acre (18,513 sf), attributable to occupation of the residence and guesthouse.

The applicant proposes to minimize and mitigate take of Morro shoulderband snail associated with the covered activities by fully implementing the HCP. Take would be minimized by implementing the following: (1) Development and delivery of an environmental training program to all personnel working onsite throughout all phases of project implementations; (2) conducting pre-construction and construction monitoring surveys to identify any individuals, of any life stage, that could be in harm's way; (3) fencing of the development area to preclude accidental egress into conserved habitat; and (4) capture and moving of those identified Morro shoulderband snails into on-site habitat to be conserved and enhanced. Unavoidable take would be mitigated through the conservation and enhancement of 0.625 acres of coastal dune scrub and maritime chaparral in the northern portion of the parcel. This area would be dedicated to the County of San Luis Obispo as open space, and all activities, with the exception of those intended to enhance habitat values for Morro shoulderband snail, would be prohibited.

As part of the HCP, the applicant considered two alternatives to the proposed action to construct a residence and guesthouse. Under the ''No Action'' alternative, an ITP for the proposed project would not be issued. As the property is privately owned, there are ongoing economic considerations associated with retaining the parcel in its undeveloped state (e.g., payment of associated property taxes). The sale of the parcel for purposes other than the identified activity (which is consistent with current zoning) is not considered economically feasible. Additionally, there would be no conservation or enhancement of habitat for Morro shoulderband snail. For these reasons, the ''No Action'' alternative is rejected.

The intent of the ''Alternate Design'' alternative would be to avoid or further reduce (minimize) take of Morro shoulderband snail. As the entire parcel contains native habitat that is variously occupied by Morro shoulderband snail, it is not possible to avoid take of the species. The residence and guesthouse are currently sited adjacent to existing residences and in an area of native habitat that is disturbed by the presence of the nonnative perennial veldt grass (*Ehrharta calycina*). Further reducing the project footprint would not substantially increase conservation of Morro shoulderband snails and would not meet the applicant's needs. As such, the ''Alternate Design'' alternative has also been rejected.

Preliminary Determination

We are requesting comments on our preliminary determination that the applicant's plan may be processed as a low-effect HCP as defined by our Habitat Conservation Planning Handbook (November 1996) and qualifies for categorical exclusion under NEPA section 42 U.S.C. 4321 *et seq.,* as provided by the Department of the Interior Manual (516 DM 2 Appendix 2 and 516 DM 8). Our determination is based upon the following: (1) Implementation of the proposed project as described in the HCP would result in minor or negligible effects on the federally listed Morro shoulderband snail and its habitat; (2) implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and (3) the HCP impacts, considered together with those of other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant effects. Based upon our review of public comments we receive in response to this notice, our preliminary determination may be revised.

Next Steps

We will evaluate the permit application, the HCP, and comments we receive to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the ITP would comply with section 7(a)(2) of the Act by conducting an intra-Service Section 7 consultation.

Public Review

We are requesting comments on our determination that the applicant's proposal will have a minor or neglible effect on the Morro shoulderband snail and meets the requirements of section 10(a)(1)(B) of the Act. We will use the results of our internal Service consultation, in combination with the above findings and public comments, to determine whether to issue the ITP. If all requirements are met, an ITP will be issued to the Applicant to authorize incidental take of Morro shoulderband snail in association with implementation of the proposed project. We will make our final permit decision no sooner than 30 days after the date of this notice.

Public Comments

If you wish to comment on the permit application, plans, and associated documents, you may submit using any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made available to the public at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the Act and the NEPA public involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6).

Dated: May 12, 2014.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2014–11478 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000. A0E501010.999900]

Renewal of Agency Information Collection for Solicitation of Nominations for the Advisory Board for Exceptional Children

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the Solicitation of Nominations for the Advisory Board for Exceptional Children authorized by OMB Control Number 1076–0179. This information collection expires September 30, 2014.

DATES: Submit comments on or before July 18, 2014.

ADDRESSES: You may submit comments on the information collection Sue Bement, Bureau of Indian Education, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104–1088, fax: (505) 563–5281 or email: *sue.bement@bie.edu*.

FOR FURTHER INFORMATION CONTACT: Sue Bement, telephone: (505) 563–5275.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Education (BIE) is seeking renewal for an information collection that would allow it to collect information regarding individuals' qualifications to serve on the Federal advisory committee known as the Advisory Board for Exceptional Children. This information collection requires persons interested in being nominated to serve on the Board to provide information regarding their qualifications. This information collection includes one form.

The Individuals with Disabilities Education Improvement Act (IDEA) of 2004, (20 U.S.C. 1400 *et seq.*) requires the BIE to establish an Advisory Board on Exceptional Education. *See* 20 U.S.C. 1411(h)(6). Advisory Board members shall serve staggered terms of two or three years from the date of their appointment. This Board is currently in operation. This information collection allows BIE to better manage the nomination process for future appointments to the Board.

II. Request for Comments

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0179.

Title: Solicitation of Nominations for the Advisory Board for Exceptional Children.

Brief Description of Collection: Submission of this information allows BIE to review the qualifications of individuals seeking nomination to the Advisory Board for Exceptional Children under the Individuals with Disabilities Education Improvement Act. The information collection includes a Membership Nomination Form and requests information on the qualifications, experience, and expertise on the education of Indian children with disabilities. A response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individuals.

Number of Respondents: 30 per year, on average.

Total Number of Responses: 30 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1 hour.

Estimated Total Annual Hour Burden: 30 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: May 14, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–11532 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[AAK30000000/145A2100DD/A0H501010.999900]

Renewal of Agency Information Collection for the Bureau of Indian Affairs Housing Improvement Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for the BIA Housing Improvement Program authorized by OMB Control Number 1076–0084. This information collection expires October 31, 2014.

DATE: Submit comments on or before July 17, 2014.

ADDRESSES: You may submit comments on the information collection to Les Jensen, Bureau of Indian Affairs, 1849 C Street NW., Mail Stop 4513, Washington, DC 20240; facsimile: (907) 586–7044; email: *Leslie.Jensen@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Les Jensen, telephone: (907) 586–7397.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Indian Affairs (BIA) is seeking renewal for the information collection conducted under 25 CFR part 256, Housing Improvement Program, to determine applicant eligibility for housing improvement program services and to determine priority order in which eligible applicants may receive the program services. Approval for this collection expires on October 31, 2014. The information collection includes an application form. No changes are being made to the form or to the approved burden hours for this information collection.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable 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.

III. Data

OMB Control Number: 1076–0084.

Title: Bureau of Indian Affairs Housing Improvement Program, 25 CFR 256.

Brief Description of Collection: Submission of this information allows BIA to determine applicant eligibility for housing services based upon the criteria referenced in 25 CFR 256.9 (repairs and renovation assistance) and 256.10 (replacement housing assistance). Enrolled members of federally recognized tribes, who live within a tribe's designated and approved service area, submit information on an application form. The information is collected on a BIA Form 6407, ''Housing Assistance Application,'' and includes:

A. Applicant Information including: Name, current address, telephone number, date of birth, social security number, tribe, roll number, reservation, marital status, name of spouse, date of birth of spouse, tribe of spouse, and roll number of spouse.

B. Family Information including: Name, date of birth, relationship to applicant, and tribe/roll number.

C. Income Information: Earned and unearned income.

D. Housing Information including: Location of the house to be repaired, constructed, or purchased; description of housing assistance for which applying; knowledge of receipt of prior Housing Improvement Program assistance, amount to whom and when; ownership or rental; availability of electricity and name of electric company; type of sewer system; water source; number of bathroom facilities.

E. Land Information including: Landowner; legal status of land; or type of interest in land.

F. General Information including: Prior receipt of services under the Housing Improvement Program and description of such; ownership of other housing and description of such; identification of Housing and Urban Development-funded house and current status of project; identification of other sources of housing assistance for which the applicant has applied and been denied assistance, if applying for a new housing unit or purchase of an existing standard unit; and advisement and description of any severe health problem, handicap or permanent disability.

G. Applicant Certification including: Signature of applicant and date, and signature of spouse and date.

A response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individuals.

Number of Respondents: 8,000 per year, on average.

Total Number of Responses: 8,000 per year, on average.

Frequency of Response: Once.

Estimated Time per Response: 1 hour.

Estimated Total Annual Hour Burden: 8,000 hours.

Estimated Total Annual Cost: $0.

Dated: May 14, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–11545 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD/AAK3000000/A0H501010/241A00]

Renewal of Agency Information Collection for Financial Assistance and Social Services

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Assistant Secretary—Indian Affairs is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information for ''Financial Assistance and Social Services Program, 25 CFR 20.'' The information collection is currently authorized by OMB Control Number

1076–0017, which expires May 31, 2014.

DATES: Interested persons are invited to submit comments on or before June 18, 2014.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Evangeline M. Campbell, Chief, Division of Human Services, Office of Indian Services, Bureau of Indian Affairs, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; facsimile: (202) 208–5113; email: *Evangeline.Campbell@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Evangeline M. Campbell, (202) 513–7621. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The BIA is seeking to renew the information collection it conducts to provide assistance under 25 CFR 20 to eligible Indians when comparable financial assistance or social services either are not available or not provided by State, tribal, county, local, or other Federal agencies. Approval for this collection expires May 31, 2014. The information collection allows BIA to determine whether an individual is eligible for assistance and services. No third party notification or public disclosure burden is associated with this collection.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0017.

Title: Financial Assistance and Social Services Program, 25 CFR Part 20.

Brief Description of Collection: Submission of this information is required of Indian applicants for BIA financial assistance and social services. BIA uses the information to determine if an individual is eligible for services and, where appropriate, to conduct an employability assessment and jointly develop with the individual an Individual Self-Sufficiency Plan outlining how the individual can attain self-sufficiency. A response is required to obtain or retain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Individual Indians seeking financial assistance or social services from BIA.

Number of Respondents: 240,000 provide information on the application; of those, 95,000 contribute information to an employability assessment and ISP.

Total Number of Responses: 335,000.

Frequency of Response: Once per respondent.

Estimated Time per Response: One half hour for the application and 1 hour for the employability assessment and ISP.

Estimated Total Annual Hour Burden: 215,000 hours ((240,000 × .5 hours for applications) + (95,000 × 1 hour for employability assessment and ISP)).

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: May 13, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–11539 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD.AADD001000.A0E501010.999900]

Renewal of Agency Information Collection for IDEIA Part B and C Child Count

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Education (BIE) is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information for the Individuals with Disabilities Education Improvement Act (IDEIA) Part B and C Child Count. The information is currently authorized by OMB Control Number 1076–0176, which expires May 31, 2014.

DATES: Interested persons are invited to submit comments on or before June 18, 2014.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Sue Bement, Bureau of Indian Education, 1011 Indian School Road NW., Suite 332, Albuquerque, New Mexico 87104–1088, fax: (505) 563–5281 or email: *sue.bement@bie.edu.*

FOR FURTHER INFORMATION CONTACT: Sue Bement, telephone: (505) 563–5275. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

The IDEIA, 20 U.S.C. 1411(h)(4)(c) and 1443(b)(3) require tribes and tribal organizations to submit certain information to the Secretary of the Interior. Under the IDEIA, the U.S. Department of Education provides funding to the Secretary of the Interior for the coordination of assistance for special education and related services for Indian children aged 0 to 5 with disabilities on reservations served by Bureau-funded schools. The Secretary of the Interior, through the BIE, then allocates this funding to tribes and tribal organizations based on the number of

such children served. In order to allow the Secretary of the Interior to determine what amounts to allocate to whom, the IDEIA requires tribes and tribal organizations to submit information to Interior. The BIE collects this information on two forms, one for Indian children aged 3 to 5 covered by IDEIA Part B, and one for Indian children aged 0 to 2 covered by IDEIA Part C.

In IDEIA Part B—Assistance for Education of All Children with Disabilities, 20 U.S.C. 1411(h)(4)(D) requires tribes to and tribal organizations to use the funds to assist in child find, screening, and other procedures for the early identification of Indian children aged 3 through 5, parent training, and the provision of direct services. In IDEIA Part C—Infants and Toddlers with Disabilities, 20 U.S.C. 1443(b)(4) likewise requires tribes and tribal organizations to use the fund to assist in child find, screening, and other procedures for early identification of Indian children under 3 years of age and for parent training, and early intervention services.

II. Request for Comments

The BIE requests your comments on this collection concerning: (a) The necessity of this information collection 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 (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. 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.

III. Data

OMB Control Number: 1076–0176.

Title: IDEIA Part B and Part C Child Count.

Brief Description of Collection: Indian Tribes and Tribal organizations served by elementary or secondary schools for Indian children operated or funded by the Departments of the Interior that receive allocations of funding under the IDEIA for the coordination of assistance for Indian children 0 to 5 years of age with disabilities on reservations must submit information to the BIE. The information must be provided on two forms. The Part B form addresses Indian children 3 to 5 years of age on reservations served by Bureau-funded schools. The Part C form addresses Indian children up to 3 years of age on reservations served by Bureau-funded schools. The information required by the forms includes counts of children as of a certain date each year. Response is required to obtain a benefit.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian Tribes and Tribal organizations.

Number of Respondents: 61 each year.

Frequency of Response: Twice (Once per year for each form).

Estimated Time per Response: 20 hours per form.

Estimated Total Annual Hour Burden: 2,440 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: May 13, 2014.

John Ashley,

Acting Assistant Director for Information Resources.

[FR Doc. 2014–11542 Filed 5–16–14; 8:45 am]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK910000.L13100000.DB0000.LXSINSSI0000]

Notice of Public Meeting, North Slope Science Initiative—Science Technical Advisory Panel

AGENCY: Bureau of Land Management, Alaska State Office, North Slope Science Initiative, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, North Slope Science Initiative (NSSI)—Science Technical Advisory Panel (STAP) will meet as indicated below.

DATES: The meeting will be held June 12 and 13, 2014 in Fairbanks, Alaska. The meetings will begin at 9:00 a.m. in the Butrovich Building, Room 109a–b, 910 Yukon Drive, University of Alaska Fairbanks. Public comment will be received between 3:00 and 4:00 p.m. on Thursday, June 12, 2014.

FOR FURTHER INFORMATION CONTACT: John F. Payne, Executive Director, North Slope Science Initiative, AK–910, c/o Bureau of Land Management, 222 W. Seventh Avenue, #13, Anchorage, AK 99513; by phone at (907) 271–3431; or email *jpayne@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, seven 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 NSSI STAP provides advice and recommendations to the NSSI Oversight Group regarding priority information needs for management decisions across the North Slope of Alaska. These priority information needs may include recommendations on inventory, monitoring, and research activities that contribute to informed resource management decisions. This meeting will include continued dialog for prioritizing inventory, monitoring, and research using the North Slope Scenarios Project results for the North Slope and adjacent marine environments. Additionally, the STAP will continue dialog on a long-term monitoring strategy for the North Slope. The STAP will be reviewing the status of the emerging issues first released in October 2010.

All meetings are open to the public. The public may present written comments to the STAP through the Executive Director, North Slope Science Initiative. Each formal meeting will also have time allotted for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, transportation, or other reasonable accommodations, should contact the Executive Director, North Slope Science Initiative. 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.

Bud C. Cribley,

State Director.

[FR Doc. 2014–11474 Filed 5–16–14; 8:45 am]

BILLING CODE 1310–JA–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–501 and 731–TA–1226 (Final)]

Chlorinated Isocyanurates From China and Japan; Scheduling of the Final Phase of Countervailing Duty and Antidumping Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–501 and 731–TA–1226 (Final) under sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from China and Japan of chlorinated isocyanurates, provided for in subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.50.4000, 3808.94.5000, and 3808.99.9500 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* Thursday, April 24, 2014.

FOR FURTHER INFORMATION CONTACT: Joanna Lo (202–205–1888), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background. The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China of chlorinated isocyanurates, and that imports of chlorinated isocyanurates from Japan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on August 29, 2013, by Clearon Corp., South Charleston, WV; and Occidental Chemical Corp., Dallas, TX.

Participation in the investigations and public service list. Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report. The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on Monday, August 25, 2014, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing. The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, September 9, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before Thursday, September 4, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on Monday, September 8, 2014, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions. Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is Tuesday, September 2, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''chlorinated isocyanurates. Chlorinated isocyanurates are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) Trichloroisocyanuric acid (''TCCA'') ($Cl_3(NCO)_3$), (2) sodium dichloroisocyanurate (dihydrate) ($NaCl_2(NCO)_3$ X $2H_2O$), and (3) sodium dichloroisocyanurate (anhydrous) ($NaCl_2(NCO)_3$). Chlorinated isocyanurates are available in powder, granular and solid (e.g., tablet or stick) forms.''

for filing posthearing briefs is Wednesday, September 17, 2014. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before Wednesday, September 17, 2014. On Wednesday, October 1, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before Friday, October 3, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: May 13, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–11426 Filed 5–16–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled Certain Integrated Circuits and Products Containing the Same, DN 3014; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS, [1] and 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 United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Freescale Semiconductor, Inc. on May 12, 2014. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 integrated circuits and products containing the same. The complaint name as respondents MediaTek, Inc. of Taiwan; MediaTek USA Inc. of San Jose, CA; Acer Inc. of Taiwan; AmTRAN Technology Co. Ltd. of Taiwan; AmTRAN Logistics, Inc. of Irvine, CA; ASUSTek Computer Inc. of Taiwan; ASUS Computer International, Inc. of Fremont, CA; BLU Products, Inc. of Doral, FL; Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, NJ; Sharp Electronics Manufacturing Company of America Inc. of San Diego, CA; Toshiba America Information Systems, Inc. of Irvine, CA; Toshiba Logistics America, Inc. of Irvine, CA; TPV Display Technology (Xiamen) Co., Ltd. of China; Trend Smart America, Ltd. of Lake Forest, CA; Trend Smart Ce México, S.r.l de C.V. of Mexico, Vizio, Inc. of Irvine, CA; Yamaha Corporation of Japan; Yamaha Corporation of America of Buena Park, CA; Lenovo Group Ltd. of China, Lenovo (United States) Inc. of Morrisville, NC; Best Buy Co., Inc. of Richfield, MN; Newegg Inc. of City Of Industry, CA; Buy.com Inc. d/b/a Rakuten.com Shopping of Aliso Viejo, CA; Walmart Stores, Inc. of Bentonville, AK; Amazon.com, Inc. of Seattle, WA; B & H Foto & Electronics Corp. of New York, NY and Costco Wholesale Corporation of Issaquah, WA. The complainant requests that the Commission issue a general exclusion order, or in the alternative, a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant,

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3014'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 13, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–11429 Filed 5–16–14; 8:45 am]

BILLING CODE 7020–02–P

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

[OMB Number 1117–0003]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection For Which Approval Has Expired: ARCOS Transaction Reporting

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until July 18, 2014.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ruth A. Carter, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, Virginia 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/Component, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's/components 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 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. *The Title of the Form/Collection:* ARCOS Transaction Reporting—DEA Form 333.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is DEA Form 333. Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Controlled substances manufacturers and distributors must report acquisition/distribution transactions to the DEA to comply with Federal law and international treaty obligations. This information helps to ensure a closed system of distribution for these substances.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 1,265 respondents, with 7,932 responses annually to this collection. The DEA estimates that it takes 1 hour to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The DEA estimates this collection has a public burden of 6,856 hours 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., 3E.405B, Washington, DC 20530.

Dated: May 13, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–11470 Filed 5–16–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 001–2014]

Privacy Act of 1974; System of Records

AGENCY: Office on Violence Against Women, United States Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget (OMB) Circular No. A–130, notice is hereby given that the Department of Justice (Department or DOJ), Office on Violence Against Women (OVW), proposes to establish a new system of records entitled ''Peer Reviewer Database,'' JUSTICE/OVW–001. The Peer Reviewer Database (Database) will allow OVW to select individuals who have expressed interested in serving as peer reviewers for reviewing grant applications during the solicitation process for different federal grant programs authorized by the Violence Against Women Act, as amended, and administered by OVW.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, please submit any comments by June 18, 2014.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, U.S. Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001, or by facsimile at 202–307–0693. To ensure proper handling, please reference the above CPCLO Order number on your correspondence.

FOR FURTHER INFORMATION CONTACT: Cathy Poston, Attorney-Advisor, Office on Violence Against Women, United States Department of Justice, 145 N Street NE., Suite 10W121, Washington, DC 20530, or by email at *OVWRegs@jconmail.usdoj.gov*.

SUPPLEMENTARY INFORMATION: Every year, OVW posts solicitations for its numerous grant programs authorized by the Violence Against Women Act, as amended. These grant programs enable communities to increase their capacity to respond to crimes of domestic violence, dating violence, sexual assault, and stalking. As part of the review process, prior to making award decisions, OVW may assemble different peer review panels to review and score the applications received in response to a solicitation for a particular grant program. These peer review panels are comprised of experts and practitioners, on the subject matter pertaining to the grant, who review and score grant applications based on the requirements outlined in the solicitation for that particular grant program. OVW invites experts and practitioners to serve as peer reviewers for a particular grant program based on their relevant expertise and experience. Participation in the peer review program is completely voluntary; however, in order to be considered a peer reviewer, the prospective reviewer must enter his or her information online, a web-based system that is accessible online, such as contact information, resume/curriculum vitae (CV), employee type, education levels, job categories, ethnicity, expertise areas, and availability. A potential reviewer can only access, view, and modify his or her own individual record. OVW staff can access the Database to perform searches and review peer reviewer profiles in order to select an individual to serve on a peer review panel for a particular OVW grant program.

The system also maintains basic grant applicant information, retrieved from the U.S. Department of Justice's Office of Justice Programs' (OJP) Grants Management System (GMS), such as legal name, GMS application number, contact name and information, peer reviewer scores, project description, and funding request amount in connection with certain peer review panels for different OVW solicitations. It also contains information used to track payments due and the status of payments (e.g., invoice received, invoice paid) for those individuals who serve as peer reviewers on a particular OVW peer review panel.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: April 29, 2014.

Erika Brown Lee,

Chief Privacy and Civil Liberties Officer, United States Department of Justice.

JUSTICE/OVW–001

SYSTEM NAME:

Peer Reviewer Database.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office on Violence Against Women, 145 N Street NE., Suite 10W121, Washington, DC 20530. Duplicate information may be stored at other locations for purposes of system backup, emergency preparedness, and continuity of operations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals selected by OVW to serve as peer reviewers, as well as individuals who are candidates to be a peer reviewer, during the solicitation review process for different federal grant programs authorized by the Violence Against Women Act and administered by OVW.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the peer reviewer database include an individual's name, mailing address, personal email address, telephone number, work-related information (e.g., current occupation, job title, work address, email address, work address, and work history), areas of expertise, and availability. In addition, information regarding education level, gender, ethnicity, and tribal affiliation may be provided on a voluntary basis.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 42 U.S.C. 13925 et seq., and 44 U.S.C. 3101.

PURPOSE(S):

The Peer Reviewer Database is a system that allows OVW to select individuals to serve as grant application reviewers during the peer review process in connection with OVW's annual administration of grant awards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), relevant information contained in this system may be disclosed as follows:

(a) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(b) To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(c) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal

government, when necessary to accomplish an agency function related to this system of records.

(d) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(e) To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(f) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are in electronic form. Records are stored in accordance with applicable executive orders, statutes, and agency implementing recommendations.

RETRIEVABILITY:

Records are retrieved by the name of the peer reviewer.

SAFEGUARDS:

Information in this system is maintained in accordance with applicable laws, rules, and policies on protecting individual privacy. The servers storing electronic data and the backup tapes stored onsite are located in locked rooms with access limited to authorized agency personnel. Backup tapes stored offsite are maintained in accordance with a government contract that requires adherence to applicable laws, rules, and policies on protecting individual privacy. Internet connections are protected by multiple firewalls. Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance, and security logs are enabled for all computers to assist in troubleshooting and forensic analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user identification and password.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule 3, Item 14, ''Grant Administrative Files.''

SYSTEM MANAGER(S) AND ADDRESS:

Acquisition Liaison Specialist, Office on Violence Against Women, 145 N Street NE., Suite 10W121, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORD ACCESS PROCEDURES:

All requests for access must be in writing, must comply with 28 CFR part 16, and should be addressed to: FOIA/Privacy Act Officer, Office on Violence Against Women, United States Department of Justice, 145 N Street NE., Suite 10W121, Washington, DC 20530, or by email to *ovw.foia@usdoj.gov*. The envelope and letter should be clearly marked ''Privacy Act Access Request.'' The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and dated and either notarized or submitted under penalty of perjury. Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, Justice Management Division, United States Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001, or from the Department's Web site at *http://www.justice.gov/oip/forms/cert_ind.pdf*.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system should direct their requests to the address indicated in the ''Record Access Procedures'' section, above. The request must comply with 28 CFR 16.46 and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Once a potential peer reviewer has entered his/her information in the database, he/she may also update that information at any time using the assigned User ID and password. Reviewers are encouraged to periodically update their personal and professional information, as necessary, to ensure OVW has the most accurate information possible to best match skills to individual program peer reviews.

RECORD SOURCE CATEGORIES:

Individuals selected by OVW desiring to serve as peer reviewers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2014–11506 Filed 5–16–14; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On May 13, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States* v. *Cemex Concretos, Inc. and Cemex de Puerto Rico, Inc.,* Civil Action No. 3:14–cv–01386.

This settlement resolves the United States' claims against Defendants Cemex Concretos, Inc. and Cemex de Puerto Rico, Inc. for Defendants' violations of the Clean Water Act, the Act's implementing regulations, and the National Pollutant Discharge Elimination System (''NPDES'') Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities, at eighteen ready-mix concrete facilities owned and/or operated by Defendants in Puerto Rico.

The proposed Consent Decree will require Defendants to implement comprehensive injunctive relief to ensure that all active ready-mix concrete facilities comply with the Clean Water Act and applicable NPDES Multi-Sector General Permit. The injunctive relief includes conducting hydrology and hydraulic studies, implementing stormwater compliance plans that incorporate the results of facility-specific engineering analysis reports, establishing new sampling points, improving best management practices, and providing enhanced training and new environmental compliance personnel at the active facilities. The cost of implementing this injunctive relief is approximately $1.8 million. In addition, Defendants will pay a $360,000 civil penalty and implement a supplemental environmental project, which involves donating for

conservation 401 acres of land valued at approximately $2.36 million.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Cemex Concretos, Inc. and Cemex de Puerto Rico, Inc.,* D.J. Ref. No. 90–5–1–1–10430. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $18.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $14.50.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–11377 Filed 5–16–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary; Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 18, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402–1205–001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to PRA authority for the Workforce Innovation Fund (WIF) Grants Reporting and Recordkeeping Requirements information collection. This proposed information collection features quarterly performance narrative reports that document the innovative strategies and collect information about effective practices and lessons learned from the diverse projects funded by the WIF. All data collection and reporting is done by grantee organizations (State or local governments). The proposed performance reporting requirements align with outcome categories identified in the Solicitation for Grant Applications used to award the WIF grants. The quarterly performance narrative reports provide a detailed account of program activities, accomplishments, and progress toward performance outcomes during the quarter. Specifically, these reports include aggregate information on participants' grant progress and accomplishments, grant challenges, grant technical assistance needs and success stories and lessons learned. The performance outcomes are defined by each grantee. Each grant has a unique set of performance goals and outcome measures according to the specific innovation and project being pursued in the grant. The performance narrative reports, to be completed quarterly, include a narrative of grant activities and the unique grant performance and evaluation measures and key project milestones identified by the grantees. As a result, the specific performance measures for each grant may be different.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on January 31, 2014 (79 FR 5459).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201402–1205–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Workforce Innovation Fund Grants Reporting and Recordkeeping Requirements.

OMB ICR Reference Number: 201402–1205–001.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 26.

Total Estimated Number of Responses: 104.

Total Estimated Annual Time Burden: 2,080 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 13, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–11444 Filed 5–16–14; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, May 22, 2014.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Economic Growth and Regulatory Paperwork Reduction Act Review.
2. AERO Federal Credit Union (Glendale, Arizona) Request to Add Two Underserved Areas.
3. Corporate Stabilization Fund Quarterly Review.

RECESS: 11:00 a.m.

TIME AND DATE: 11:15 a.m., Thursday, May 22, 2014.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Share Insurance Appeal. Closed pursuant to Exemption (6).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–11605 Filed 5–15–14; 4:15 pm]

BILLING CODE 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 18, 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

1. Applicant

Dr. Rachael Morgan-Kiss, 32 Pearson Hall, 701E High St., Department of Microbiology, Miami University, Oxford, OH, 45056.

Permit Application: 2015–002

Activity for Which Permit Is Requested

Introduce non-indigenous species into Antarctica; The applicant proposes to bring 10g cell pellets of algae cultures (*Chlamydomonas* ICE sp. and *Isochyrsis* MDV sp.), originally collected from Antarctica, for use in experiments to link their understanding of physiological responses in this organism in a laboratory setting with in situ physiological responses and to determine whether each organism is more competitive under limited nutrients (ie., shallow water) or limited light (ie., deep water). The algal pellets will be used to grow algae cultures which will be transferred to dialysis tubing at the Lake Bonney field camp. The dialysis chambers will be suspended in the Lake Bonney water column. Once samples are collected they will be processed either on site at the Lake Bonney field camp or at Crary Lab at McMurdo Station, resulting in the death of all cells. The cells will be processed in a variety of ways for different analyses back in the U.S. Any remaining viable cultures will be autoclaved to ensure 100% mortality of unused cultures.

Location

Lake Bonney in McMurdo Dry Valleys ASMA 2, and Crary Laboratory at McMurdo Station.

Dates

November 14 to December 3, 2014.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2014–11512 Filed 5–16–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0025]

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for the collection of

information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on February 25, 2014.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* DOE/NRC Form 742, ''Material Balance Report,'' and DOE/NRC Form 742C, ''Physical Inventory Listing,'' and NUREG/BR–0007, ''Instructions for the Preparation and Distribution of Material Status Reports.''

3. *Current OMB approval number:*

DOE/NRC Form 742: 3150–0004.
DOE/NRC Form 742C: 3150–0058.

4. *The form number if applicable:* DOE/NRC Forms 742 and 742C.

5. *How often the collection is required:* DOE/NRC Form 742 is submitted once a year within 30 days after the start of a physical inventory as part of the material accounting and control procedures. DOE/NRC Form 742C is submitted once a year when licensees complete their physical inventory as part of the material accounting and control procedures.

6. *Who will be required or asked to report:* DOE/NRC Form 742: Persons licensed to possess specified quantities of special nuclear material or source material. Any licensee, including nuclear reactor licensees, possessing, or who had possessed in the previous reporting period, at any one time and location, special nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742. In addition, each licensee, Federal or State, who is authorized to possess, at any one time or location, 1 kilogram of foreign obligated source material, is required to file with the NRC an annual statement of source material inventory which is foreign-obligated. DOE/NRC Form 742C: Persons licensed to possess specified quantities of special nuclear material or source material. Any licensee, including nuclear reactor licensees, possessing, or who had possessed in the previous reporting period, at any one time and location, special nuclear material in a quantity totaling one gram or more shall complete DOE/NRC Form 742C.

7. *An estimate of the number of annual responses:*

DOE/NRC Form 742: 360 responses.
DOE/NRC Form 742C: 360 responses.

8. *The estimated number of annual respondents:*

DOE/NRC Form 742: 360 respondents.
DOE/NRC Form 742C: 360 respondents.

9. *An estimate of the total number of hours needed annually to complete the requirement or request:*

DOE/NRC Form 742: 1,260 hours.
DOE/NRC Form 742C: 1,440 hours.

10. *Abstract:* The NRC is required to collect nuclear material transaction information for domestic safeguards use and make it available to the International Atomic Energy Agency (IAEA). Licensees use DOE/NRC Form 742 to report the material balance within 30 days after the start of a physical inventory of nuclear materials actually present at licensee's facilities, including the quantities of foreign obligated source material. Licensees use DOE/NRC Form 742C to report the material status based on a physical inventory of nuclear materials actually present at licensee's facilities. These forms enable the NRC to collect, retrieve, analyze, and submit the data to IAEA to fulfill its reporting responsibilities.

This information collection request will also categorize these forms as common forms. Once the OMB approves the use of these common forms, all Federal agencies using the forms may request use of these common forms without additional 60- or 30-day notice and comment requirements. At that point, each agency will account for its number of respondents and the burden associated with the agency's use.

The public may examine and have copied for a fee publicly-available documents, including the final 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's home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 18, 2014. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Danielle Y. Jones, Desk Officer, Office of Information and Regulatory Affairs (3150–0004/3150–0058), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be emailed to *Danielle_Y_Jones@omb.eop.gov* or submitted by telephone at 202–395–1741.

The Acting NRC Clearance Officer is Kristen Benney, telephone: 301–415–6355.

Dated at Rockville, Maryland, this 13th day of May 2014.

For the Nuclear Regulatory Commission.

Kristen Benney,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–11405 Filed 5–16–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of May 19, 26, June 2, 9, 16, 23, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of May 12, 2014

Friday, May 16, 2014

1:30 p.m. Discussion of Management and Personnel Issues (Closed Ex. 2 and 6)

Week of May 19, 2014

There are no meetings scheduled for the week of May 19, 2014.

Week of May 26, 2014—Tentative

Wednesday, May 28, 2014

9:00 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) on Grid Reliability (Part 1) (Public Meeting) (Contact: Jacob Zimmerman, 301–415–1220)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

10:45 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) on Grid Reliability (Part 2) (Closed—Ex. 3)

Thursday, May 29, 2014

9:00 a.m. Briefing on Human Reliability Program Activities and Analyses (Public Meeting) (Contact: Sean Peters, 301–251–7582)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 2, 2014—Tentative

Tuesday, June 3, 2014

9:00 a.m. Briefing on Results of the Agency Action Review Meeting

(AARM) (Public Meeting) (Contact: Michael Balazik, 301–415–2856)

This meeting will be Webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 9, 2014—Tentative

There are no meetings scheduled for the week of June 9, 2014.

Week of June 16, 2014—Tentative

Tuesday, June 17, 2014

9:30 a.m. Strategic Programmatic Overview of the Operating Reactors Business Line (Public Meeting) (Contact: Trent Wertz, 301–415–1568)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 19, 2014

9:00 a.m. Briefing on NFPA 805 Fire Protection (Public Meeting) (Contact: Barry Miller, 301–415–4117)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 23, 2014—Tentative

There are no meetings scheduled for the week of June 16, 2014.

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

Additional Information

By a vote of 5–0 on May 13, 2014, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that the above referenced Discussion of Management and Personnel Issues (Closed Ex. 2 and 6) on May 16, 2014, be held with less than one week notice to the public.

The above referenced Briefing on NFPA 805 Fire Protection (Public Meeting) has been rescheduled from June 4, 2014, to June 19, 2014.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: May 14, 2014.

Rochelle Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–11562 Filed 5–15–14; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72160; File No. SR–NYSEARCA–2014–55]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting NYSE Arca Rule 9.1(b) To Harmonize NYSE Arca's Rules With the Rules of Other Self-Regulatory Organizations Concerning Office Space Sharing

May 13, 2014.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 1, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete NYSE Arca Rule 9.1(b) to harmonize NYSE Arca's rules with the rules of other self-regulatory organizations (''SROs'') concerning office space sharing. 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 delete NYSE Arca Rule 9.1(b) to harmonize NYSE Arca's rules with the rules of other SROs concerning office space sharing.

Background

On July 30, 2007, the Financial Industry Regulatory Authority Inc.'s (''FINRA) predecessors, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER''), consolidated their member firm regulation operations into a combined organization, FINRA. Pursuant to Rule 17d–2 under the Act, New York Stock Exchange, LLC (''NYSE''), NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE MKT LLC (''NYSE MKT'') became a party to the Agreement effective December 15, 2008.

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE MKT of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[4] FINRA recently harmonized

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the

Continued

NASD and FINRA Incorporated NYSE Rules and interpretations concerning supervision.[5] FINRA's supervisory rule changes will become effective on December 1, 2014.[6]

As part of this filing, FINRA deleted Incorporated NYSE Rule 343 and its interpretation. These provisions set forth certain pre-approval requirements for space sharing.[7] As part of the harmonization process, FINRA determined that a pre-approval process was no longer necessary and instead NASD's notice filing model would be utilized.

FINRA also recently amended the Uniform Branch Office Registration Form (''Form BR''), which is used by firms to register their branch offices with participating SROs and states via the Central Registration Depository.[8] Among other things, the amendments to Form BR eliminated Section 6, which incorporated space sharing arrangement questions relating to NYSE Rule 343. As such, FINRA accelerated the effective date for the deletion of Incorporated NYSE Rule 343 and the related interpretations to April 7, 2014, to correspond to the effective date of the revised Form BR.[9] Thus, there are no longer any pre-approval requirements for FINRA members that are also members of NYSE.

Proposed Rule Change

As a result of the changes to Form BR, there is no longer a mechanism to collect the information used for the space sharing pre-approval process under NYSE Rule 343. As such, NYSE has eliminated NYSE Rule 343 and its interpretations, and NYSE MKT also has eliminated NYSE MKT Rule 343—Equities, which is substantially the same as NYSE Rule 343.[10] To harmonize its office space sharing requirements with other SROs, NYSE Arca similarly proposes to delete NYSE Arca Rule 9.1(b), which requires prior and continuing approval of the Exchange for certain space sharing arrangements.[11] The Exchange notes that any office-sharing arrangements of OTP Holders and OTP Firms that engage in a public business would be required to be disclosed on Form BR.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between NYSE Arca rules and NYSE, NYSE MKT, and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, deleting NYSE Arca Rule 9.1(b) would promote just and equitable principles of trade by harmonizing the Exchange's rules with the rules of the NYSE, NYSE MKT, and FINRA and with Form BR, which is used by the Securities and Exchange Commission (''Commission''), SROs, and states.

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 rule change is not intended to address competitive issues but rather to achieve greater consistency between NYSE Arca's rules concerning office space sharing with other SROs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will harmonize the Exchange's rules with the rules of the NYSE, NYSE MKT, and FINRA and with Form BR, thus helping to eliminate confusion regarding broker reporting obligations.[18] Therefore, the Commission designates the proposed rule change to be operative upon filing.

At any time within 60 days of the filing of such proposed rule change, the

consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[5] *See* Securities Exchange Act Release No. 71179 (December 23, 2013), 78 FR 79542 (December 30, 2013) (SR–FINRA–2013–025).

[6] *See* FINRA Regulatory Notice 14–10.

[7] NYSE Rule 343(a) provides that, unless otherwise permitted by the NYSE, an office or foreign incorporated branch of a member or member organization may not be occupied jointly with any other broker or dealer, investment advisor, or other person who conducts a securities or commodities business with the public. Certain types of office space arrangements that were deemed permissible are described in the rule. NYSE Rule 343(b) provides that members and member organizations may share office space with any person who is not a broker or dealer, an investment advisor, or who does not conduct a securities or commodities business with the public. NYSE Rule 343(c) also provides that, unless otherwise permitted by the NYSE, the main office of every member organization must remain open for business on every full business day during the trading hours on the NYSE. Supplementary Material 343.10 provides additional guidance relating to office space arrangements. The related NYSE Rule 343 Interpretation provides additional guidance relating to space sharing.

[8] *See* Securities Exchange Act Release No. 71626 (February 27, 2014), 79 FR 12547 (March 5, 2014) (SR–FINRA–2013–051).

[9] *See* FINRA Regulatory Notice 14–11.

[10] *See* Securities Exchange Act Release Nos. 71989 (April 22, 2014) (SR–NYSE–2014–21) and 71988 (April 22, 2014) (SR–NYSEMKT–2014–34).

[11] NYSE Arca Rule 9.1(b) provides that OTP Holders and OTP Firms may not occupy joint quarters with anyone other than another OTP Holder or OTP Firm without the prior and continuing approval of the Exchange.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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) [19] 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–NYSEARCA–2014–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2014–55. 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 will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2014–55 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11440 Filed 5–16–14; 8:45 am]

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[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72161; File No. SR–ISEGemini-2014–13]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

May 13, 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 May 1, 2014 ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini is proposing to amend the Schedule of Fees to update the definition of Mini Option to reflect the recent Google stock split. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to update the definition of Mini Option to reflect the recent Google stock split. ISE Gemini's sister exchange, the International Securities Exchange, LLC (''ISE''), recently amended Supplementary Material .13 to Rule 504, listing standards for Mini Options, which is incorporated by reference into Chapter 5 of the ISE Gemini rulebook, to enable the continued trading of Mini Options on Google Class A shares, which were assigned a new symbol, ''GOOGL'', in connection with Google's recent stock split.[3] The Exchange now proposes to similarly update the definition of ''Mini Option'' in its Schedule of Fees to indicate that Mini Options include options overlying ten shares of ''GOOGL''. As proposed, ''Mini Options'' are options overlying ten (10) shares of AAPL, AMZN, GLD, GOOGL and SPY.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and Section 6(b)(4) of the Act,[5] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

As part of Google's recent stock split, the symbol ''GOOG'' was assigned to the new Google Class C shares, while Google Class A shares were assigned the symbol ''GOOGL''. The ISE recently updated its Mini Options rules, which are incorporated by reference into the ISE Gemini rulebook, to clarify that it will continue listing Mini Options on the Google Class A shares, i.e., GOOGL, and the Exchange believes that it is reasonable, equitable, and not unfairly

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71932 (April 11, 2014), 79 FR 21816 (April 17, 2014) (SR–ISE–2014–21).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

discriminatory to update the definition of ''Mini Option'' in the ISE Gemini Schedule of Fees in order to eliminate investor confusion about which options classes are tradable as Mini Options on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[6] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to the definition of Mini Option is a technical change that will have no competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[7] and subparagraph (f)(2) of Rule 19b–4 thereunder,[8] because it establishes a due, fee, or other charge imposed by ISE Gemini.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–ISEGemini–2014–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2014–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml.*) Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini–2014–13 and should be submitted by June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11441 Filed 5–16–14; 8:45 am]

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[6] 15 U.S.C. 78f(b)(8).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72156; File No. SR–NYSEMKT–2014–41]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Name Changes of Its Ultimate Parent, IntercontinentalExchange Group, Inc., and Its Indirect Parents, IntercontinentalExchange, Inc. and NYSE Euronext Holdings LLC

May 13, 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 5, 2014, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE MKT, a Delaware limited liability company, registered national securities exchange and self-regulatory organization, is submitting this rule filing (the ''*Proposed Rule Change*'') to the U.S. Securities and Exchange Commission (the ''*Commission*'') in connection with the change in name of NYSE MKT's ultimate parent entity, IntercontinentalExchange Group, Inc., a Delaware corporation (''*ICE Group*''), ICE Group's direct subsidiary (and NYSE MKT's indirect parent), IntercontinentalExchange, Inc., a Delaware corporation (''*ICE Inc.*''), and ICE Inc.'s direct subsidiary (and NYSE MKT's indirect parent), NYSE Euronext Holdings LLC, a Delaware limited liability company (''*NYX Holdings*''). ICE Group intends to change its name to Intercontinental Exchange, Inc. ICE Inc. will change its name to Intercontinental Exchange Holdings, Inc. and NYX Holdings will change its name to NYSE Holdings LLC.

NYX Holdings owns 100% of the equity interest of NYSE Group, Inc., a Delaware corporation (''*NYSE Group*''), which in turn directly or indirectly owns (1) 100% of the equity interest of three registered national securities

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

exchanges and self-regulatory organizations (together, the ''*NYSE Exchanges*'')—the New York Stock Exchange LLC (the ''*Exchange*''), *NYSE Arca, Inc.* (''NYSE Arca'') and NYSE MKT—and (2) 100% of the equity interest of NYSE Market (DE), Inc., NYSE Regulation, Inc., NYSE Arca L.L.C., NYSE Arca Equities, Inc. (''*NYSE Arca Equities*'') and NYSE Amex Options LLC. Each of the Exchange and NYSE Arca will be separately filing a proposed rule change in connection with the matters addressed herein that will be substantially the same as the Proposed Rule Change.

The Exchange, NYSE MKT proposes to amend its Rules, as well as organizational documents of ICE Group, ICE Inc., NYX Holdings, NYSE Group, the NYSE Exchanges, rules of the Exchange and NYSE Arca Equities, board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYX Euronext, NYSE Group, and certain trustees, to reflect the name changes described above. The text of Exhibits 5A through 5O to 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 [sic].

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

NYSE MKT is proposing, in connection with the corporate name change of its corporate parents, to amend the organizational documents of ICE Group, ICE Inc., NYX Holdings, the NYSE Exchanges, the rules of the Exchange, NYSE MKT and NYSE Arca Equities, the board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, and certain trustees. Specifically,

- The Certificate of Amendment of ICE Group's Certificate of Incorporation would remove the reference to ''IntercontinentalExchange Group, Inc.'', and replace it with ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5A)
- The Second Amended and Restated Bylaws of IntercontinentalExchange Group, Inc. would be amended to replace references to ''IntercontinentalExchange Group, Inc.'' with ''Intercontinental Exchange, Inc.''; ''IntercontinentalExchange, Inc.'' will be replaced with ''Intercontinental Exchange Holdings, Inc.''; ''ICE Inc.'' will be replaced with ''ICE Holdings''; reference to ''NYSE Euronext Holdings LLC'' will be replaced with ''NYSE Holdings LLC'', and reference to ''NYX Holdings'' will be replaced with ''NYSE Holdings''. (*see* Exhibit 5B)
- The Independence Policy of the Board of Directors of IntercontinentalExchange Group, Inc. will be amended to remove reference to ''IntercontinentalExchange Group, Inc.'' and replace it with reference to ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5C)
- The Fifth Amended and Restated Certificate of Incorporation and Second Amended and Restated Bylaws of IntercontinentalExchange, Inc. both would be amended to replace ''IntercontinentalExchange, Inc.'' with ''Intercontinental Exchange Holdings, Inc.'' References in these documents to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. All references to ''NYSE Euronext Holdings LLC'' would be replaced with ''NYSE Holdings LLC''. (*see* Exhibits 5D and 5E)
- The Certificate of Formation of NYSE Euronext Holdings LLC, as amended, would be further amended to change the name of the company to NYSE Holdings LLC. (*see* Exhibit F [sic])
- The Fourth Amended and Restated Limited Liability Company Agreement of NYSE Euronext Holdings LLC would be amended and restated to delete reference to ''NYSE Euronext Holdings LLC'' and replace it with ''NYSE Holdings LLC''. All references in the Agreement to ''IntercontinentalExchange Group, Inc.'', ''IntercontinentalExchange, Inc.'', and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'', ''Intercontinental Exchange Holdings, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5G)
- The Fifth Amended and Restated Operating Agreement of the Exchange, the Fourth Amended and Restated Operating Agreement of NYSE MKT LLC, the Third Amended and Restated Bylaws of NYSE Market (DE), Inc. and the Fifth Amended and Restated Bylaws of NYSE Regulation, Inc. would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' with ''Intercontinental Exchange, Inc.'' and ''ICE'' respectively. (*see* Exhibits 5H, 5I, 5J and 5K)
- The Rules of the Exchange and NYSE MKT would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'', ''ICE Group'', ''NYSE Euronext Holdings LLC'' and ''NYX Holdings'' with ''Intercontinental Exchange Group, Inc.'' [sic], ''ICE'', ''NYSE Holdings LLC'' and ''NYSE Holdings''. In addition, the rules would be amended to include reference to Intercontinental Exchange Holdings, Inc.[4] (*see* Exhibits 5L and 5M)
- The Rules of NYSE Arca Equities would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5N)
- The Independence Policy of the Board of Directors for each of New York Stock Exchange LLC, NYSE MKT LLC, NYSE Market (DE), Inc. and NYSE Regulation, Inc. would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5O)
- The Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, Inc., and certain trustees, would be amended to reflect that NYSE Euronext Holdings LLC will be renamed ''NYSE Holdings LLC''. The Trust Agreement also would be amended to delete the definition of ''ICE Group'' and replace it with a definition of ''ICE''. (*see* Exhibit 5P)
- Resolutions of the board of directors of ICE Group authorizing the name changes are included as Exhibit 5Q.

None of the foregoing changes is substantive.

2. Statutory Basis

The Exchange believes that the Proposed Rule Change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and

[4] *See* NYSE MKT Rules 22 and 422, and NYSE Rules 22 and 422.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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. The name change at ICE Group will restore to the public company the name it used from inception until late 2013; the name change at ICE Inc. reduces the risk of confusing ICE Inc. with ICE Group; and the name change at NYX Holdings eliminates ''Euronext'' in anticipation of the announced plan to sell Euronext.

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 Rule Change relates to internal name changes only.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [7] and Rule 19b–4(f)(6) thereunder.[8]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will enable the Exchange to implement a name change as soon as practicable after it is approved by the stockholders of ICE Group in connection with the acquisition of NYSE Euronext. For this reason, the Commission designates the proposed rule change to be operative upon filing.[9]

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–NYSEMKT–2014–41 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–2014–41. 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–2014–41 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11436 Filed 5–16–14; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[9] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72158; File No. SR–NYSE–2014–23]

Self-Regulatory Organizations; New York Stock Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Name Changes of Its Ultimate Parent, IntercontinentalExchange Group, Inc., and Its Indirect Parents, IntercontinentalExchange, Inc. and NYSE Euronext Holdings LLC

May 13, 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 5, 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 and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The New York Stock Exchange, LLC (the ''*Exchange*''), a New York limited liability company, registered national

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

securities exchange and self-regulatory organization, is submitting this rule filing (the ''*Proposed Rule Change*'') to the U.S. Securities and Exchange Commission (the ''*Commission*'') in connection with the change in name of the Exchange's ultimate parent entity, IntercontinentalExchange Group, Inc., a Delaware corporation (''*ICE Group*''), ICE Group's direct subsidiary (and the Exchange's indirect parent), IntercontinentalExchange, Inc., a Delaware corporation (''*ICE Inc.*''), and ICE Inc.'s direct subsidiary (and the Exchange's indirect parent), NYSE Euronext Holdings LLC, a Delaware limited liability company (''*NYX Holdings*''). ICE Group intends to change its name to Intercontinental Exchange, Inc. ICE Inc. will change its name to Intercontinental Exchange Holdings, Inc. and NYX Holdings will change its name to NYSE Holdings LLC.

NYX Holdings owns 100% of the equity interest of NYSE Group, Inc., a Delaware corporation (''*NYSE Group*''), which in turn directly or indirectly owns (1) 100% of the equity interest of three registered national securities exchanges and self-regulatory organizations (together, the ''*NYSE Exchanges*'')—the Exchange, NYSE Arca, Inc. (''*NYSE Arca*'') and NYSE MKT LLC—and (2) 100% of the equity interest of NYSE Market (DE), Inc., NYSE Regulation, Inc., NYSE Arca L.L.C., NYSE Arca Equities, Inc. (''*NYSE Arca Equities*'') and NYSE Amex Options LLC. Each of NYSE Arca and NYSE MKT will be separately filing a proposed rule change in connection with the matters addressed herein that will be substantially the same as the Proposed Rule Change.

The Exchange proposes to amend its Amended and Restated Operating Agreement, the Rules of the Exchange, as well as organizational documents of ICE Group, ICE Inc., NYX Holdings, NYSE Group, the NYSE Exchanges, rules of NYSE MKT and NYSE ARCA Equities, board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYX Euronext, NYSE Group, and certain trustees, to reflect the name changes described above. The text of Exhibits 5A through 5O to 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 [sic].

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing, in connection with the corporate name change of the Exchange's corporate parents, to amend the organizational documents of the Exchange, ICE Group, ICE Inc., NYX Holdings, the NYSE Exchanges, the rules of the Exchange, NYSE MKT and NYSE ARCA Equities, the board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, and certain trustees. Specifically,

- The Certificate of Amendment of ICE Group's Certificate of Incorporation would remove the reference to ''IntercontinentalExchange Group, Inc.'', and replace it with ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5A).
- The Second Amended and Restated Bylaws of IntercontinentalExchange Group, Inc. would be amended to replace references to ''IntercontinentalExchange Group, Inc.'' with ''Intercontinental Exchange, Inc.''; ''IntercontinentalExchange, Inc.'' will be replaced with ''Intercontinental Exchange Holdings, Inc.''; ''ICE Inc.'' will be replaced with ''ICE Holdings''; reference to ''NYSE Euronext Holdings LLC'' will be replaced with ''NYSE Holdings LLC'', and reference to ''NYX Holdings'' will be replaced with ''NYSE Holdings''. (*see* Exhibit 5B)
- The Independence Policy of the Board of Directors of IntercontinentalExchange Group, Inc. will be amended to remove reference to ''IntercontinentalExchange Group, Inc.'' and replace it with reference to ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5C)
- The Fifth Amended and Restated Certificate of Incorporation and Second Amended and Restated Bylaws of IntercontinentalExchange, Inc. both would be amended to replace ''IntercontinentalExchange, Inc.'' with ''Intercontinental Exchange Holdings, Inc.'' References in these documents to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. All references to ''NYSE Euronext Holdings LLC'' would be replaced with ''NYSE Holdings LLC''. (*see* Exhibits 5D and 5E)
- The Certificate of Formation of NYSE Euronext Holdings LLC, as amended, would be further amended to change the name of the company to NYSE Holdings LLC. (*see* Exhibit [sic] F)
- The Fourth Amended and Restated Limited Liability Company Agreement of NYSE Euronext Holdings LLC would be amended and restated to delete reference to ''NYSE Euronext Holdings LLC'' and replace it with ''NYSE Holdings LLC''. All references in the Agreement to ''IntercontinentalExchange Group, Inc.'', ''IntercontinentalExchange, Inc.'', and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'', ''Intercontinental Exchange Holdings, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5G)
- The Fifth Amended and Restated Operating Agreement of the Exchange, the Fourth Amended and Restated Operating Agreement of NYSE MKT LLC, the Third Amended and Restated Bylaws of NYSE Market (DE), Inc. and the Fifth Amended and Restated Bylaws of NYSE Regulation, Inc. would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' with ''Intercontinental Exchange, Inc.'' and ''ICE'' respectively. (*see* Exhibits 5H, 5I, 5J and 5K)
- The Rules of the Exchange and NYSE MKT would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'', ''ICE Group'', ''NYSE Euronext Holdings LLC'' and ''NYX Holdings'' with ''Intercontinental Exchange Group, Inc.'' [sic], ''ICE'', ''NYSE Holdings LLC'' and ''NYSE Holdings''. In addition, the rules would be amended to include reference to Intercontinental Exchange Holdings, Inc.[4] (*see* Exhibits 5L and 5M)
- The Rules of NYSE ARCA Equities would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (see Exhibit 5N)
- The Independence Policy of the Board of Directors for each of New York

[4] *See* NYSE MKT Rules 22 and 422, and NYSE Rules 22 and 422.

Stock Exchange LLC, NYSE MKT LLC, NYSE Market (DE), Inc. and NYSE Regulation, Inc. would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5O)

- The Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, Inc., and certain trustees, would be amended to reflect that NYSE Euronext Holdings LLC will be renamed ''NYSE Holdings LLC''. The Trust Agreement also would be amended to delete the definition of ''ICE Group'' and replace it with a definition of ''ICE''. (*see* Exhibit 5P)
- Resolutions of the board of directors of ICE Group authorizing the name changes are included as Exhibit 5Q.

None of the foregoing changes is substantive.

2. Statutory Basis

The Exchange believes that the Proposed Rule Change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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. The name change at ICE Group will restore to the public company the name it used from inception until late 2013; the name change at ICE Inc. reduces the risk of confusing ICE Inc. with ICE Group; and the name change at NYX Holdings eliminates ''Euronext'' in anticipation of the announced plan to sell Euronext.

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 Rule Change relates to internal name changes only.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will enable the Exchange to implement a name change as soon as practicable after it is approved by the stockholders of ICE Group in connection with the acquisition of NYSE Euronext. For this reason, the Commission designates the proposed rule change to be operative upon filing.[9]

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–NYSE–2014–23 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–2014–23. 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–NYSE–2014–23 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11438 Filed 5–16–14; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b-4(f)(6). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[9] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72154; File No. SR–CBOE–2014–040]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Orders That Are Tied to Stock

May 13, 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, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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 proposed to add rules regarding orders that are tied to stock. The text of the proposed rule change is provided below. (additions are *italicized*; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.53. Certain Types of Orders Defined

One or more of the following order types may be made available on a class-by-class basis. Certain order types may not be made available for all Exchange systems. The classes and/or systems for which the order types shall be available will be as provided in the Rules, as the context may indicate, or as otherwise specified via Regulatory Circular.

(a)–(x) No change.

(y) Tied to Stock Order. An order is ''tied to stock'' if, at the time the Trading Permit Holder representing the order on the Exchange receives or initiates the order, the Trading Permit Holder has knowledge that the order is coupled with an order(s) for the underlying stock or a security convertible into the underlying stock (''convertible security''). The representing Trading Permit Holder must include an indicator on each tied to stock order upon systemization, unless:

(i) the order is submitted to the Exchange as part of a qualified contingent cross order (as defined in this Rule 6.53) through an Exchange-approved device;

(ii) the order is submitted to the Exchange for electronic processing as a stock-option order (as defined in Rule 6.53C); or

(iii) all of the component orders are systematized on a single order ticket.

An order is not ''tied to stock'' if it is not coupled with an order(s) for the underlying stock or convertible security at the time of receipt or initiation (e.g., an option order that is received or initiated to hedge a previously executed stock transaction, an option transaction or position that is hedged with a subsequently received or initiated stock order).

. . . Interpretations and Policies:

.01 No change.

* * * * *

Rule 6.77. Order Service Firms

(a)–(d) No change.

(e) Order service firms must submit reports pursuant to Rule 15.2A with respect to the stock transactions it executes on behalf of market-makers pursuant to this Rule 6.77.

* * * * *

Rule 15.2A. Reports of Execution of Stock Transactions

In a manner and form prescribed by the Exchange, each Trading Permit Holder must, on the business day following the order execution date, report to the Exchange the following information for the executed stock or convertible security legs of QCC orders, stock-option orders and other tied to stock orders that the Trading Permit Holder executed on the Exchange that trading day: (a) Time of execution, (b) execution quantity, (c) execution price, (d) venue of execution, and (e) any other information requested by the Exchange. A Trading Permit Holder may arrange for its clearing firm to submit these reports on its behalf; provided that if the clearing firm does not report an executed stock order, the Trading Permit Holder will be responsible for reporting the information.

. . . Interpretation and Policies:

.01 *The Exchange will announce by Regulatory Circular any determinations, including the manner and form of the report, that it makes pursuant to Rule 15.2A.*

.02 *A Trading Permit Holder (or its clearing firm) does not need to report information pursuant to Rule 15.2A with respect to (a) stock-option orders (as defined in Rule 6.53C) submitted to the Exchange for electronic processing or (b) stock or convertible security orders entered into an Exchange-approved device.*

.03 *A Market-Maker (or its clearing firm) may include the information required by Rule 15.2A in the equity reports submitted to the Exchange pursuant to Rule 8.9(b).*

.04 *If a tied to stock order executed at multiple options exchanges, a Trading Permit Holder (or its clearing firm) may report to the Exchange the information pursuant to Rule 15.2A for the entire stock or convertible security component(s) rather than the portion of the stock or convertible security component(s) applicable to the portion of the order that executed at the Exchange.*

.05 *In lieu of the time of execution pursuant to Rule 15.2A(a), the Exchange may accept the time of the trade report if that time is generally within 90 seconds of the time of execution.*

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to add rules regarding orders that are tied to stock, which include a proposed definition of tied to stock orders and a related reporting requirement.

Tied to Stock Orders

The Exchange proposes to add a definition of a tied to stock order as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Rule 6.53(y). Proposed paragraph (y) provides that an order is tied to stock if, at the time the Trading Permit Holder representing the order on the Exchange receives the order (if the order is a customer order) or initiates the order (if the order is a proprietary order), has knowledge that the order is coupled with an order(s) for the underlying stock or a security convertible into the underlying stock (''convertible security'' and, together with underlying stock, ''non-option''). Tied to stock orders may be simple or complex orders and may be part of, among other things, buy-write strategies, married put strategies, delta neutral strategies, contingent strategies and other stock-option trading strategies with definitive option orders and stock orders.

The representing Trading Permit Holder must include an indicator on each tied to stock order upon systemization unless:

- The order is submitted to the Exchange as part of a qualified contingent cross (''QCC'') [3] order through an Exchange-approved device;
- the order is submitted to the Exchange for electronic processing as a stock-option order;[4] or
- all components of the trading strategy of which the order is a part, including the non-option orders, are systematized on a single order ticket.

The purpose of the indicator is to enhance the Exchange's audit trail. The Exchange believes there are circumstances in which investors do not submit to or systematize at the Exchange the non-option component(s) of trading strategies with the related option component(s). Instead, they separately submit the non-option component(s) for execution, such as to a broker or directly to another trading venue, which prevents the Exchange from knowing that it relates to an order(s) that executed on the Exchange. For example, suppose a Trading Permit Holder receives a stock-option strategy from a customer to buy 10,000 shares of stock XYZ and buy 100 XYZ puts. The Trading Permit Holder submits the put order to CBOE for execution but requests that a broker at the New York Stock Exchange (''NYSE'') execute the stock order. In this case, the Trading Permit Holder must include the tied to stock indicator on the XYZ put order. If the Trading Permit Holder had instead submitted the option and stock orders to CBOE as a stock-option order, then no indicator would have been required. The indicator will alert the Exchange of any non-option order that is part of a trading strategy for which the option order executed on the Exchange.

The proposed rule excludes from the requirement to include the indicator for tied to stock orders upon systemization the situation in the first bullet above because devices used for order submissions may be modified to automatically apply the tied to stock indicator to QCC orders after systemization, in which case the representing Trading Permit Holder would not also need to add the indicator to those orders upon systemization.[5] With respect to the situation in the second and third bullets above (for which no indicator is required), the stock or convertible security component(s) is systematized at the Exchange with the option component, so the Exchange is already aware that these orders include a stock or convertible security component(s). Thus, the Exchange does not believe it is necessary to require Trading Permit Holders to add the ''tied to stock'' marking to these orders to indicate the stock components for audit trail purposes.

As the proposed definition indicates, a Trading Permit Holder must have knowledge of the non-option order. In the example above, the customer instructed the Trading Permit Holder to execute a stock-option strategy (buy 10,000 shares of stock XYZ and buy 100 XYZ puts) and thus had knowledge of the stock component at the time it received the order from the customer. Thus, the Trading Permit Holder must mark the put order as tied to stock when it systematizes the order.[6] However, assume the customer gave the put order to the Trading Permit Holder and separately called another broker at NYSE to execute the stock order (but never told the Trading Permit Holder about the related stock order), the Trading Permit Holder would have no knowledge of the stock component and thus would not be required to include the tied to stock marking.

The marking obligation falls on the representing Trading Permit Holder. If a Trading Permit Holder is a routing broker and receives an option order with no knowledge of a related stock component submitted separately for execution, then the routing broker is not required to include the tied to stock indicator. Thus, routing brokers do not need to take any steps to require non-Trading Permit Holder clients to identify orders as tied to stock. If a routing client is a Trading Permit Holder, and that Trading Permit Holder client separates the stock order (or is aware of a separate non-option order) prior to submitting the option order to the routing broker (who ultimately sends the order to the Exchange), the Trading Permit Holder client has the responsibility to include the tied to stock marking (the order would already be marked when received by the routing broker, so the routing broker would have no ''re-marking'' obligation). However, while routing brokers generally do not populate order information, the Exchange believes they do in certain circumstances. In the event a routing broker does populate order information and either elects to route

[3] A QCC order is an order to buy (sell) at least 1,000 standard option contracts or 10,000 mini-option contracts that is identified as being part of a qualified contingent trade coupled with a contra-side order to sell (buy) an equal number of contracts. These orders may only be entered in the standard increments applicable to simple orders in the options class under Rule 6.42. For purposes of this order type, a ''qualified contingent trade'' is a transaction consisting of two or more component orders, executed as agent or principal, where: (a) At least one component is an NMS stock, as defined in Rule 600 of Regulation NMS under the Act; (b) all components are effected with a product or price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (c) the execution of one component is contingent upon the execution of all other components at or near the same time; (d) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) is determined by the time the contingent order is placed; (e) the component orders bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (f) the transaction is fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. QCC orders may execute without exposure provided the execution is not at the same price as a public customer order resting in the electronic book and is at or between the national best bid or offer. A QCC order will be cancelled if it cannot be executed. *See* Rule 6.53(u).

[4] A ''stock-option order'' is an order buy or sell a stated number of units of any underlying stock or convertible security coupled with the purchase or sale of options contract(s) on the opposite side of the market representing either (i) the same number of units of the underlying stock necessary to create a delta neutral position, but in no case in a ratio greater than eight-to-one, where the ratio represents the total number of units of the underlying stock or convertible security in the option leg to the total number of the underlying stock or convertible security in the stock leg (or such lower ratio as may be determined by the Exchange on a class-by-class basis) [sic]. Only those stock-option orders with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis, are eligible for processing. *See* Rule 6.53C(a)(2).

[5] Currently, the Floor Broker Workstation (''FBW'') and PULSe workstation would be the only Exchange-approved devices for this proposed rule. If additional devices (whether provided by the Exchange or a third party) are modified to automatically apply the tied to stock indicator to QCC orders when those orders are submitted to the Exchange, then the Exchange may ''approve'' those devices for purposes of this exclusion.

[6] Similar reasoning applies if the Trading Permit Holder had developed the trading strategy for its proprietary account.

the non-option order of a trading strategy separately for execution (or has knowledge of a separate non-option component), then the routing broker must include the tied to stock indicator on the option order.

An order is not tied to stock if it is not coupled with an order(s) for the non-option order at the time of receipt or initiation. An order is tied to stock only if part of a trading strategy coupled with at least one non-option component, which trading strategy comprised of a single investment decision for which the investor has the intent of execution of these orders at or near the same time. For example, an option order that is received or initiated to hedge a previously executed stock transaction is not tied to stock. The option order is a separate and subsequent investment decision based on an existing stock position; thus, there is no intent for execution of the option order at or near the same time as a stock order. Similarly, an option transaction or position that is hedged with a subsequently received or initiated stock order is not tied to stock. The decision to submit the stock order was a subsequent investment decision based on an existing option position. Thus, a Trading Permit Holder does not need to include a tied to stock indicator on option orders that hedge currently held positions (whether in options or non-options). Similarly, a Trading Permit Holder does not need to go back and add the indicator to a previously executed option order for which it later submits a stock order to offset the option position. For example, if a Market-Maker has a current option position (*i.e.,* an option quote or order has already executed), and then submits a stock order to hedge that option position, the original option order is not tied to the subsequent stock order and does not require a tied to stock indicator. The Exchange does not require identification of these types of hedging strategies for audit trail purposes. Trading Permit Holders only need to include the tied to stock indicator on orders that are coupled with non-option orders as part of a trading strategy comprised of a single investment decision for which the intent is to have all components execute at or near the same time.

Reporting Requirement

The proposed rule change adopts Rule 15.2A, which provides that in a manner and form prescribed by the Exchange, each Trading Permit Holder must, on the business day following the order execution date, report to the Exchange the following information for the executed stock or convertible security legs of QCC orders, stock-option orders and other tied to stock orders that the Trading Permit Holder executed on the Exchange that trading day: (a) Time of execution, (b) execution quantity, (c) execution price, (d) venue of execution, and (e) any other information requested by the Exchange. The proposed rule change also allows a Trading Permit Holder to arrange for its clearing firm to submit these reports on its behalf; provided that if the clearing firm does not report an executed stock order, the Trading Permit Holder will be responsible for reporting the information. Allowing clearing firms to report the information to the Exchange provides Trading Permit Holders with flexibility in the event that clearing firms are better-positioned to report the information.[7] However, the ultimate responsibility lies with the executing Trading Permit Holder (who would also have the responsibility to report the option transaction information).

Proposed Interpretation and Policy .01 provides that the Exchange will designate by Regulatory Circular any determinations[8] that it makes under Rule 15.2A, including the manner and form in which Trading Permit Holders should submit these reports to the Exchange.

Proposed Interpretation and Policy .02 provides that Trading Permit Holders do not need to report information pursuant to Rule 15.2A with respect (a) stock-option orders submitted to the Exchange for electronic processing (such as to the complex order book (COB), the complex order auction (COA) or the automated improvement mechanism (AIM)) or (b) stock or convertible security orders entered into an Exchange-approved device. Because the Exchange routes for execution through a routing broker to stock exchanges or trading centers the stock components of these orders, the Exchange will already have access to the transaction information for the stock components of stock-option orders submitted to the Exchange for electronic processing. With respect to stock or convertible legs that are entered into an Exchange-approved device, the Exchange is able to receive the applicable data for these orders and thus does not need to also receive the data directly from Trading Permit Holders.[9]

Proposed Interpretation and Policy .03 provides that a Market-Maker (or its clearing firm, if applicable) may include the information required by proposed Rule 15.2A in the equity reports it must already submit to the Exchange pursuant to Rule 8.9(b). Allowing Market-Makers to combine these reports will eliminate potential duplicate reports.

Proposed Interpretation and Policy .04 provides that if a tied to stock order executed at multiple options exchanges, a Trading Permit Holder (or its clearing firm, as applicable) may report to the exchange the information pursuant to Rule 15.2A for the entire stock or convertible security component(s) rather than the portion applicable to the portion of the order that executed at the Exchange. The Exchange believes this flexibility is appropriate given the potential for executions in multiple markets. For example, suppose a Trading Permit Holder sells 100 calls on XYZ, 20 of which execute at CBOE, and contemporaneously purchases 10,000 shares of XYX. CBOE appreciates the difficulty in identifying the 2,000 shares of XYZ that ''relate'' to the 20 options sold at CBOE. The proposed rule change will provide the Exchange with the information it needs while minimizing the burden on Trading Permit Holders.

Proposed Interpretation and Policy .05 provides that in lieu of time of execution, the Exchange may accept the time of the trade report for the non-option transaction if that time is generally within 90 seconds of the time of execution. This timing is consistent with Rule 6.51, which requires Trading Permit Holders to report option transaction information within 90 seconds of execution. The time of the trade report, if it is generally within this 90-second time frame,[10] will provide the Exchange with sufficient information for surveillance purposes while providing Trading Permit Holders with flexibility if they determine that the trade report time is easier to provide than trade execution time.

The Exchange is responsible for regulating its markets and Trading

[7] The Exchange provides Market-Makers with similar flexibility in Rule 8.9(b) with respect to equity trade reports.

[8] This includes the implementation date of the reporting requirement and any updates or changes to any determinations made by the Exchange.

[9] The Exchange will announce by Regulatory Circular which devices provided by the Exchange (*e.g.,* FBW, PULSe) will be ''Exchange-approved'' for purposes of this rule. The Exchange will also announce by Regulatory Circular how other devices may become approved for purposes of this rule.

[10] Under Rule 6.51, a pattern or practice of late reporting options transactions without exceptional circumstances may be considered conduct inconsistent with just and equitable principles of trades. Similarly, the Exchange may not accept this substitute information for non-option transactions from Trading Permit Holders that exhibit such a pattern or practice of late reporting, as regular late reporting times would not provide the Exchange with the information necessary to conduct its surveillances.

Permit Holders. To carry out its regulatory responsibilities, the Exchange needs to have sufficient trade data to effectively monitor cross-market trading activity, assist with investigations of potential violations of federal securities laws and Exchange rules, and perform market reconstructions or other analysis necessary to understand trading activity. CBOE currently requires Trading Permit Holders to submit various execution data in real-time or daily to help the Exchange monitor trading activity.[11] The Exchange believes that as use of electronic, interconnected markets continues to increase, access to additional cross-market order information, specifically information regarding stock trades tied to stock orders, would enhance the Exchange's ability to monitor this trading activity and therefore allow it to more effectively fulfill its regulatory responsibilities.[12]

The Exchange believes the additional information it will receive pursuant to proposed Rule 15.2A (including information from orders service firms) will enhance its ability to effectively monitor and conduct surveillance of the CBOE market and its Trading Permit Holders with respect to stock orders whose execution information is not electronically captured by its audit trail, and their relevant cross-market trading activity, and thus to detect and investigate illegal activity in a more timely fashion. The Exchange also believes that the proposed rule change will improve its ability to conduct more timely and accurate trading analyses, market reconstructions, complex enforcement inquiries or investigations, and inspections and examinations. The proposed marking of tied to stock orders will greatly improve the Exchange's ability to tie an executed non-option leg to the applicable option order and thus the Exchange's ability to conduct surveillances related to these orders, such as surveillances for compliance with Regulation SHO and frontrunning rules.

The Exchange believes the proposed rule change to mark tied to stock orders will place minimal additional burden on Trading Permit Holders, because the indicator will merely be adding one additional notation when entering a tied to stock order. The Exchange also believes the proposed rule change to report to the Exchange information regarding stock trades will place minimal additional burden on Trading Permit Holders, as the Exchange believes Trading Permit Holders keep records of their stock transaction information and, to the extent stock executions occur on registered exchanges, must report stock transaction to stock exchanges. Additionally, as discussed above, Exchange rules already require Trading Permit Holders to systemize or report various types of information regarding their orders and transactions to the Exchange. Further, while Trading Permit Holders may need to perform systems work to allow for the indicator, the Exchange believes that this proposed rule change will substantially decrease Trading Permit Holders' administrative burden in the long-term, in addition to the Exchange's administrative burden, in having to otherwise manually gather this cross-market information and tie non-option legs to option orders in connection with the Exchange's regulatory duties.

Order service firms,[13] which are Trading Permit Holders, will be subject to the reporting requirements set forth in proposed Rule 15.2A with respect to stock transactions that they execute on behalf of market-makers on the floor of the Exchange. The proposed rule change adds paragraph (e) to Rule 6.77 to include this reporting requirement, as the Exchange believes that including all requirements applicable to order service firms in a single Exchange rule will benefit these firms.

The Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the effective date. The implementation date will be no later than 180 days following the effective date.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will significantly aid the Exchange's efforts to prevent fraudulent and manipulative acts and practices with respect to tied to stock orders, because it will greatly improve the Exchange's ability to tie executed non-option legs to the applicable option orders that were separately submitted for execution. This, along with the additional stock transaction information that the Exchange will receive pursuant to proposed Rule 15.2A, will provide the Exchange with information that will permit CBOE to more efficiently and effectively conduct its regulatory surveillances of CBOE trading activity and cross-market trading activity, such as surveillances to ensure compliance with Regulation SHO and frontrunning rules. Because the proposed rule change will enhance the Exchange's surveillance of cross-market trading activity, the Exchange believes the proposed rule change will also remove impediments to and perfect the mechanism of a free and open market and a national market system. In addition, the Exchange believes the proposed rule change will promote just

[11] *See, e.g.,* Rules 4.13 (requires Trading Permit Holders to submit reports to the Exchange related to position limits); 6.24 (which requires Trading Permit Holders to systemize certain order information); 6.51 (requires Trading Permit Holders to report to the Exchange certain information regarding transactions on and off the Exchange); 8.9 (requires Clearing Trading Permit Holders to report to the Exchange executed orders by Market-Makers for the purchase or sale of equity securities, as well as opening and closing positions in those securities); 15.2 (requires Trading Permit Holders to submit to the Exchange a daily report of all transactions); and 15.3 (requires Trading Permit Holders, upon request of the Exchange, to submit a report of the total uncovered short positions in each option contract class); *see also* Rule 15.1, Interpretation and Policy .01.

[12] The Consolidated Audit Trail (''CAT'') highlights the need for self-regulatory organizations to have access to cross-market activity. While CBOE appreciates that CAT will capture this stock transaction information when implemented, the Exchange believes that the implementation of CAT may be several years away and that it should continue to enhance its audit trail when it identifies opportunities to do so, particularly when the enhancements will reduce the long-term costs and burdens on both the Exchange and Trading Permit Holders.

[13] Order service firms are regular Trading Permit Holder organizations that are registered with the Exchange for the purpose of taking orders for the purchase or sale of stocks or commodity futures contracts (and options thereon) from market-makers on the floor of the Exchange and forwarding such orders for execution. Rule 6.77(a).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

and equitable principles of trade and protect investors by allowing the Exchange to detect and investigate illegal activity in a more timely fashion and improving the Exchange's ability to conduct more timely and accurate trading analyses, market reconstructions, complex enforcement inquiries or investigations, and inspections and examinations. Finally, the Exchange believes that the proposed changes to Rule 6.77 will benefit investors by including all requirements with respect to stock transactions executed by orders service firms, respectively, in a single place within the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will impose the same marking and reporting requirements on all Trading Permit Holders with respect to tied to stock orders. The Exchange believes that the proposed rule change does not impose any burden on intermarket competition not necessary or appropriate in furtherance of the purposes of the Act. While the proposed rule change may impose requirements with respect to tied to stock orders submitted to CBOE that other options exchanges do not, the Exchange believes that, as discussed above, any additional burden imposed on Trading Permit Holders by this proposed rule change is minimal. The Exchange believes that, while the proposed rule change is imposing a new marking and reporting requirement on Trading Permit Holders, it requires only an indicator with respect to the marking requirement and it provides flexibility with respect to the reporting requirement (such as allowing clearing firms to report the stock transaction information and allowing Market-Makers to combine the required information with reports they already provide to the Exchange) to minimize any additional burden. The Exchange believes Trading Permit Holder already have records of the non-option transaction information in order to satisfy other reporting requirements (such as those of stock exchanges). The Exchange recognizes that Trading Permit Holders may need to perform system work to allow for the indicator and the reports. However, the Exchange believes these upfront costs on Trading Permit Holders will offset their long-term burden associated with providing the Exchange with this information pursuant to individual requests. In addition, the Exchange believes that the flexibility provided within the proposed reporting rule further reduces any additional burdens that the rule imposes on Trading Permit Holder.

Additionally, the proposed rule change will reduce the Exchange's costs associated with identifying and gathering this information. Currently, the Exchange is not aware of separate non-option components and does not have access to non-option transaction information of trading strategies that were not submitted to the Exchange for electronic processing. It must gather this information manually, which is time-consuming and expensive for both the Exchange and Trading Permit Holders. The Exchange believes the benefits that the proposed rule change will provide to the Exchange and Trading Permit Holders outweigh any minimal additional burden and upfront costs imposed on Trading Permit Holders.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2014–040 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–CBOE–2014–040. 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–CBOE–2014–040 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11435 Filed 5–16–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72157; File No. SR–NYSEARCA–2014–52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Name Changes of Its Ultimate Parent, IntercontinentalExchange Group, Inc., and Its Indirect Parents, IntercontinentalExchange, Inc. and NYSE Euronext Holdings LLC

May 13, 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 5, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca., a New York corporation, registered national securities exchange and self-regulatory organization, is submitting this rule filing (the ''*Proposed Rule Change*'') to the U.S. Securities and Exchange Commission (the ''*Commission*'') in connection with the change in name of NYSE Arca's ultimate parent entity, IntercontinentalExchange Group, Inc., a Delaware corporation (''*ICE Group*''), ICE Group's direct subsidiary (and NYSE Arca's indirect parent), IntercontinentalExchange, Inc., a Delaware corporation (''*ICE Inc.*''), and ICE Inc.'s direct subsidiary (and NYSE Arca's indirect parent), NYSE Euronext Holdings LLC, a Delaware limited liability company (''*NYX Holdings*''). ICE Group intends to change its name to Intercontinental Exchange, Inc. ICE Inc. will change its name to Intercontinental Exchange Holdings, Inc. and NYX Holdings will change its name to NYSE Holdings LLC.

NYX Holdings owns 100% of the equity interest of NYSE Group, Inc., a Delaware corporation (''*NYSE Group*''), which in turn directly or indirectly owns (1) 100% of the equity interest of three registered national securities exchanges and self-regulatory organizations (together, the ''*NYSE Exchanges*'')—the New York Stock Exchange LLC (the ''*Exchange*''), *NYSE Arca* and NYSE MKT LLC—and (2) 100% of the equity interest of NYSE Market (DE), Inc., NYSE Regulation, Inc., NYSE Arca L.L.C., NYSE Arca Equities, Inc. (''*NYSE Arca Equities*'') and NYSE Amex Options LLC. Each of the Exchange and NYSE MKT will be separately filing a proposed rule change in connection with the matters addressed herein that will be substantially the same as the Proposed Rule Change.

The Exchange, NYSE Arca proposes to amend the Rules of NYSE Arca Equities, as well as organizational documents of ICE Group, ICE Inc., NYX Holdings, NYSE Group, the NYSE Exchanges, rules of the Exchange and NYSE MKT, board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYX Euronext, NYSE Group, and certain trustees, to reflect the name changes described above. The text of Exhibits 5A through 5O to 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 [sic].

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

NYSE Arca is proposing, in connection with the corporate name change of its corporate parents, to amend the organizational documents of ICE Group, ICE Inc., NYX Holdings, the NYSE Exchanges, the rules of the Exchange, NYSE MKT and NYSE ARCA Equities, the board independence policies of ICE Group and subsidiaries, and the Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, and certain trustees. Specifically,

- The Certificate of Amendment of ICE Group's Certificate of Incorporation would remove the reference to ''IntercontinentalExchange Group, Inc.'', and replace it with ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5A)
- The Second Amended and Restated Bylaws of IntercontinentalExchange Group, Inc. would be amended to replace references to ''IntercontinentalExchange Group, Inc.'' with ''Intercontinental Exchange, Inc.''; ''IntercontinentalExchange, Inc.'' will be replaced with ''Intercontinental Exchange Holdings, Inc.''; ''ICE Inc.'' will be replaced with ''ICE Holdings''; reference to ''NYSE Euronext Holdings LLC'' will be replaced with ''NYSE Holdings LLC'', and reference to ''NYX Holdings'' will be replaced with ''NYSE Holdings''. (*see* Exhibit 5B)
- The Independence Policy of the Board of Directors of IntercontinentalExchange Group, Inc. will be amended to remove reference to ''IntercontinentalExchange Group, Inc.'' and replace it with reference to ''Intercontinental Exchange, Inc.'' (*see* Exhibit 5C)
- The Fifth Amended and Restated Certificate of Incorporation and Second Amended and Restated Bylaws of IntercontinentalExchange, Inc. both would be amended to replace ''IntercontinentalExchange, Inc.'' with ''Intercontinental Exchange Holdings, Inc.'' References in these documents to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. All references to ''NYSE Euronext Holdings LLC'' would be replaced with ''NYSE Holdings LLC''. (*see* Exhibits 5D and 5E)
- The Certificate of Formation of NYSE Euronext Holdings LLC, as amended, would be further amended to change the name of the company to NYSE Holdings LLC. (*see* Exhibit F [sic])
- The Fourth Amended and Restated Limited Liability Company Agreement of NYSE Euronext Holdings LLC would be amended and restated to delete reference to ''NYSE Euronext Holdings LLC'' and replace it with ''NYSE Holdings LLC''. All references in the Agreement to ''IntercontinentalExchange Group, Inc.'', ''IntercontinentalExchange, Inc.'', and ''ICE Group'' would be replaced with ''Intercontinental Exchange, Inc.'', ''Intercontinental Exchange Holdings, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5G)

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

• The Fifth Amended and Restated Operating Agreement of the Exchange, the Fourth Amended and Restated Operating Agreement of NYSE MKT LLC, the Third Amended and Restated Bylaws of NYSE Market (DE), Inc. and the Fifth Amended and Restated Bylaws of NYSE Regulation, Inc. would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' with ''Intercontinental Exchange, Inc.'' and ''ICE'' respectively. (*see* Exhibits 5H, 5I, 5J and 5K)

• The Rules of the Exchange and NYSE MKT would be amended to replace reference to ''IntercontinentalExchange Group, Inc.'', ''ICE Group'', ''NYSE Euronext Holdings LLC'' and ''NYX Holdings'' with ''Intercontinental Exchange Group, Inc.'' [sic], ''ICE'', ''NYSE Holdings LLC'' and ''NYSE Holdings''. In addition, the rules would be amended to include reference to Intercontinental Exchange Holdings, Inc.[4] (*see* Exhibits 5L and 5M)

• The Rules of NYSE ARCA Equities would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5N)

• The Independence Policy of the Board of Directors for each of New York Stock Exchange LLC, NYSE MKT LLC, NYSE Market (DE), Inc. and NYSE Regulation, Inc. would be amended to delete reference to ''IntercontinentalExchange Group, Inc.'' and ''ICE Group'' and replace them with ''Intercontinental Exchange, Inc.'' and ''ICE'', respectively. (*see* Exhibit 5O)

• The Amended and Restated Trust Agreement by and among NYSE Euronext, NYSE Group, Inc., and certain trustees, would be amended to reflect that NYSE Euronext Holdings LLC will be renamed ''NYSE Holdings LLC''. The Trust Agreement also would be amended to delete the definition of ''ICE Group'' and replace it with a definition of ''ICE''. (*see* Exhibit 5P)

• Resolutions of the board of directors of ICE Group authorizing the name changes are included as Exhibit 5Q.

None of the foregoing changes is substantive.

2. Statutory Basis

The Exchange believes that the Proposed Rule Change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, 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. The name change at ICE Group will restore to the public company the name it used from inception until late 2013; the name change at ICE Inc. reduces the risk of confusing ICE Inc. with ICE Group; and the name change at NYX Holdings eliminates ''Euronext'' in anticipation of the announced plan to sell Euronext.

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 Rule Change relates to internal name changes only.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will enable the Exchange to implement a name change as soon as practicable after it is approved by the stockholders of ICE Group in connection with the acquisition of NYSE Euronext. For this reason, the Commission designates the proposed rule change to be operative upon filing.[9]

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–NYSEARCA–2014–52 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2014–52. 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

[4] *See* NYSE MKT Rules 22 and 422, and NYSE Rules 22 and 422.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[9] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2014–52 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11437 Filed 5–16–14; 8:45 am]

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[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72159; File No. SR–NYSEARCA–2014–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Deleting NYSE Arca Equities Rule 9.1(b) To Harmonize NYSE Arca's Rules With the Rules of Other Self-Regulatory Organizations Concerning Office Space Sharing

May 13, 2014.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 1, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete NYSE Arca Equities Rule 9.1(b) to harmonize NYSE Arca's rules with the rules of other self-regulatory organizations (''SROs'') concerning office space sharing. 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 delete NYSE Arca Equities Rule 9.1(b) to harmonize NYSE Arca's rules with the rules of other SROs concerning office space sharing.

Background

On July 30, 2007, the Financial Industry Regulatory Authority Inc.'s (''FINRA'') predecessors, the National Association of Securities Dealers, Inc. (''NASD''), and NYSE Regulation, Inc. (''NYSER''), consolidated their member firm regulation operations into a combined organization, FINRA. Pursuant to Rule 17d–2 under the Act, New York Stock Exchange, LLC (''NYSE''), NYSER and FINRA entered into an agreement (the ''Agreement'') to reduce regulatory duplication for their members by allocating to FINRA certain regulatory responsibilities for NYSE rules and rule interpretations (''FINRA Incorporated NYSE Rules''). NYSE MKT LLC (''NYSE MKT'') became a party to the Agreement effective December 15, 2008.

As part of its effort to reduce regulatory duplication and relieve firms that are members of FINRA, NYSE and NYSE MKT of conflicting or unnecessary regulatory burdens, FINRA is now engaged in the process of reviewing and amending the NASD and FINRA Incorporated NYSE Rules in order to create a consolidated FINRA rulebook.[4] FINRA recently harmonized NASD and FINRA Incorporated NYSE Rules and interpretations concerning supervision.[5] FINRA's supervisory rule changes will become effective on December 1, 2014.[6]

As part of this filing, FINRA deleted Incorporated NYSE Rule 343 and its interpretation. These provisions set forth certain pre-approval requirements for space sharing.[7] As part of the harmonization process, FINRA determined that a pre-approval process was no longer necessary and instead NASD's notice filing model would be utilized.

FINRA also recently amended the Uniform Branch Office Registration Form (''Form BR''), which is used by firms to register their branch offices with participating SROs and states via the Central Registration Depository.[8] Among other things, the amendments to Form BR eliminated Section 6, which incorporated space sharing arrangement questions relating to NYSE Rule 343. As such, FINRA accelerated the effective date for the deletion of Incorporated NYSE Rule 343 and the related interpretations to April 7, 2014, to correspond to the effective date of the revised Form BR.[9] Thus, there are no longer any pre-approval requirements

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] FINRA's rulebook currently has three sets of rules: (1) NASD Rules, (2) FINRA Incorporated NYSE Rules, and (3) consolidated FINRA Rules. The FINRA Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE (''Dual Members''), while the consolidated FINRA Rules apply to all FINRA members. For more information about the FINRA rulebook consolidation process, *see* FINRA Information Notice, March 12, 2008.

[5] *See* Securities Exchange Act Release No. 71179 (December 23, 2013), 78 FR 79542 (December 30, 2013) (SR–FINRA–2013–025).

[6] *See* FINRA Regulatory Notice 14–10.

[7] NYSE Rule 343(a) provides that, unless otherwise permitted by the NYSE, an office or foreign incorporated branch of a member or member organization may not be occupied jointly with any other broker or dealer, investment advisor, or other person who conducts a securities or commodities business with the public. Certain types of office space arrangements that were deemed permissible are described in the rule. NYSE Rule 343(b) provides that members and member organizations may share office space with any person who is not a broker or dealer, an investment advisor, or who does not conduct a securities or commodities business with the public. NYSE Rule 343(c) also provides that, unless otherwise permitted by the NYSE, the main office of every member organization must remain open for business on every full business day during the trading hours on the NYSE. Supplementary Material 343.10 provides additional guidance relating to office space arrangements. The related NYSE Rule 343 Interpretation provides additional guidance relating to space sharing.

[8] *See* Securities Exchange Act Release No. 71626 (February 27, 2014), 79 FR 12547 (March 5, 2014) (SR–FINRA–2013–051).

[9] *See* FINRA Regulatory Notice 14–11.

for FINRA members that are also members of NYSE.

Proposed Rule Change

As a result of the changes to Form BR, there is no longer a mechanism to collect the information used for the space sharing pre-approval process under NYSE Rule 343. As such, NYSE has eliminated NYSE Rule 343 and its interpretations, and NYSE MKT also has eliminated NYSE MKT Rule 343—Equities, which is substantially the same as NYSE Rule 343.[10] To harmonize its office space sharing requirements with other SROs, NYSE Arca similarly proposes to delete NYSE Arca Equities Rule 9.1(b), which requires prior and continuing approval of the Exchange for certain space sharing arrangements.[11] The Exchange notes that any office-sharing arrangements of ETP Holders that engage in a public business would be required to be disclosed on Form BR.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, because it is designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanism of a free and open market and a national market system. Specifically, the Exchange believes that the proposed rule change supports the objectives of the Act by providing greater harmonization between NYSE Arca rules and NYSE, NYSE MKT, and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance. In particular, deleting NYSE Arca Rule 9.1(b) would promote just and equitable principles of trade by harmonizing the Exchange's rules with the rules of the NYSE, NYSE MKT, and FINRA and with Form BR, which is used by the Securities and Exchange Commission (''Commission''), SROs, and states.

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 rule change is not intended to address competitive issues but rather to achieve greater consistency between NYSE Arca's rules concerning office space sharing with other SROs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will harmonize the Exchange's rules with the rules of the NYSE, NYSE MKT, and FINRA and with Form BR, thus helping to eliminate confusion regarding broker reporting obligations.[18] Therefore, the Commission designates the proposed rule change to be operative upon filing.

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)[19] 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–NYSEARCA–2014–54 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2014–54. 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.,

[10] *See* Securities Exchange Act Release Nos. 71989 (April 22, 2014) (SR–NYSE–2014–21) and 71988 (April 22, 2014) (SR–NYSEMKT–2014–34).

[11] NYSE Arca Equities Rule 9.1(b) provides that ETP Holders may not occupy joint quarters with anyone other than another ETP Holder without the prior and continuing approval of the Exchange.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(2)(B).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2014–54 and should be submitted on or before June 9, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11439 Filed 5–16–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Cybermesh International Corp., Golden Harvest Corporation (a/k/a Disability Access Corporation), Mirenco, Inc., Newport Digital Technologies, Inc., Resource Holdings, Inc., SCOLR Pharma, Inc., and Titan Global Holdings, Inc.; Order of Suspension of Trading

May 15, 2014.

Cybermesh International Corp. (CIK No. 1367617) is a defaulted Nevada corporation located in Albuquerque, New Mexico with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Cybermesh International Corp. is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended August 31, 2011, which reported a net loss of $930,580 since the company's August 27, 2008 inception. As of May 6, 2014, the company's stock (symbol ''CYTL'') was quoted on OTC Link (previously, ''Pink Sheets'') operated by OTC Markets Group, Inc. (''OTC Link''), had eight market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cybermesh International Corp. because it has not filed any periodic reports since the period ended August 31, 2011.

Golden Harvest Corporation (a/k/a Disability Access Corporation) (CIK No. 1382085) is a Nevada corporation located in Las Vegas, Nevada with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Golden Harvest Corporation is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2011, which reported a net loss of $222,768 for the prior nine months. As of May 6, 2014, the company's stock (symbol ''DBYC'') was quoted on OTC Link, had four market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Golden Harvest Corporation because it has not filed any periodic reports since the period ended September 30, 2011.

Mirenco, Inc. (CIK No. 1041609) is an Iowa corporation located in Radcliffe, Iowa with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Mirenco, Inc. is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2011, which reported a net loss of $120,842 for the prior three months. As of May 6, 2014, the company's stock (symbol ''MREO'') was quoted on OTC Link, had five market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Mirenco, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

Newport Digital Technologies, Inc. (CIK No. 1019216) is a revoked Nevada corporation located in Newport Beach, California with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Newport Digital Technologies is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2011, which reported a net loss of $65,343 for the prior three months. As of May 6, 2014, the company's stock (symbol ''NPDTE'') was quoted on OTC Link, had six market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Newport Digital Technologies, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

Resource Holdings, Inc. (CIK No. 1439746) is a defaulted Nevada corporation located in Tustin, California with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Resource Holdings, Inc. is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2011. As of May 6, 2014, the company's stock (symbol ''SMSA'') was quoted on OTC Link, had four market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Resource Holdings, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

SCOLR Pharma, Inc. (CIK No. 934936) is a delinquent Delaware corporation located in Bellevue, Washington with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). SCOLR Pharma, Inc. is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended September 30, 2011, which reported a net loss of $2,519,000 for the prior nine months. As of May 6, 2014, the company's stock (symbol ''SCLR'') was quoted on OTC Link, had ten market makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of SCOLR Pharma, Inc. because it has not filed any periodic reports since the period ended September 30, 2011.

Titan Global Holdings, Inc. (CIK No. 770471) is a Utah corporation located in Dallas, Texas with a class of securities registered with the Commission pursuant to Exchange Act Section 12(g). Titan Global Holdings is delinquent in its periodic filings with the Commission, having not filed any periodic reports since it filed a Form 10–Q for the period ended November 30, 2008, which reported a net loss of over $6,583,000 for the prior three months. As of May 6, 2014, the company's stock (symbol ''TTGL'') was quoted on OTC Link, had five market

[20] 17 CFR 200.30–3(a)(12).

makers, and was eligible for the ''piggyback'' exception of Exchange Act Rule 15c2–11(f)(3). It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Titan Global Holdings, Inc. because it has not filed any periodic reports since the period ended November 30, 2008.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

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 companies is suspended for the period from 9:30 a.m. EDT on May 15, 2014, through 11:59 p.m. EDT on May 29, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–11587 Filed 5–15–14; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13971 and #3972]

Florida Disaster Number FL–00100

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4177–DR), dated 05/06/2014.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/28/2014 through 05/06/2014.

Effective Date: 05/12/2014.

Physical Loan Application Deadline Date: 07/07/2014.

EIDL Loan Application Deadline Date: 02/06/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Florida, dated 05/06/2014 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans):
Okaloosa, Walton.

Contiguous Counties: (Economic Injury Loans Only):
Florida: Bay, Holmes, Washington.
Alabama: Covington, Geneva.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–11538 Filed 5–16–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13981 and #13982]

Mississippi Disaster #MS–00073

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4175–DR), dated 05/12/2014.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/28/2014 through 05/03/2014.

Effective Date: 05/12/2014.

Physical Loan Application Deadline Date: 07/11/2014.

Economic injury (EIDL) loan application deadline date: 02/12/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/12/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Itawamba, Jones, Leake, Lee, Lowndes, Newton, Rankin, Wayne, Winston.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13981C and for economic injury is 13982C.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–11541 Filed 5–16–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13983 and #13984]

Alabama Disaster #AL–00055

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Alabama (FEMA–4176–DR), dated 05/12/2014.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 04/28/2014 through 05/05/2014.

Effective Date: 05/12/2014.

Physical Loan Application Deadline Date: 07/11/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 02/12/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/12/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Baldwin, Blount, Butler, Covington, Crenshaw, Dale, De Kalb, Etowah, Franklin, Geneva, Jefferson, Lamar, Lee, Limestone, Mobile, Perry, Pickens, Tuscaloosa.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 13983B and for economic injury is 13984B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–11534 Filed 5–16–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13979 and #13980]

Arkansas Disaster #AR–00071

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–4174–DR), dated 05/12/2014.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 04/27/2014.

Effective Date: 05/12/2014.

Physical Loan Application Deadline Date: 07/11/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 02/12/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/12/2014, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clay, Cleburne, Faulkner, Fulton, Independence, Izard, Jackson, Lawrence, Randolph, Sharp, White.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 139796 and for economic injury is 139806.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2014–11536 Filed 5–16–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 8739]

Culturally Significant Object Imported for Exhibition Determinations: ''A Treasure From the Keir Collection of Islamic Art: The Fatimid Rock Crystal Ewer'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''A Treasure from the Keir Collection of Islamic Art: The Fatimid Rock Crystal Ewer,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Dallas Museum of Art, Dallas, TX, and at possible additional exhibitions or venues yet to be determined, from on or about May 22, 2014, until on or about December 31, 2019, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: May 14, 2014.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2014–11632 Filed 5–16–14; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Release of Federally Obligated Property at DeKalb Peachtree Airport, Atlanta, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Notice is being given that the FAA is considering a request from DeKalb County to waive the requirement that a 28.879 acre parcel of federally obligated property, located at the DeKalb Preachtree Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before June 18, 2014.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Parks Preston, Program Manager, 1701 Columbia Ave., Suite 2–260, College Park, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to M. J. Van Wie, Airport Director at the following address: 212 Administration Building, 2000 Airport Road, Atlanta, GA 30341.

FOR FURTHER INFORMATION CONTACT: Parks Preston, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Campus Bldg., Suite 2–260, College Park, GA 30337, (404) 305–7149. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: Under the provisions of Title 49, U.S.C. 47153(c), the FAA is reviewing a request by DeKalb Couny to release 28.879 acres of federally obligated property at the DeKalb Peachtree Airport. The property will be released and sold with an avigation easement permanently attached to the property. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the DeKalb Peachtree Airport.

Issued in College Park, Georgia on May 6, 2014.

Larry F. Clark,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2014–11106 Filed 5–16–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0020]

Agency Information Collection Activities: Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0020 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Howell, 202–366–5707, Office of Information and Management Service, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Background: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results. Below we provide FHWA's projected average estimates for the next three years:

Respondents: State and local governments, highway industry organizations, and the general public.

Estimated Average Annual Burden: The burden hours per response will vary with each survey; however, we estimate an average burden of 15 minutes for each survey.

Estimated Total Annual Burden Hours: We estimate that FHWA will survey approximately 21,000 respondents annually during the next 3 years. Therefore, the estimated total annual burden is 5,200 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 5, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–11546 Filed 5–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0018]

Agency Information Collection Activities: Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an

existing information collection that is summarized below under

SUPPLEMENTARY INFORMATION. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by July 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2014–0018 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Greg Wolf, 202–366–4655, Department of Transportation, Federal Highway Administration, Office of Program Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Emergency Relief Funding Applications.

OMB Control #: 2125–0525.

Background: Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of natural disasters or catastrophic failures from an external cause. This program, commonly referred to as the Emergency Relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions. The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Examples of natural disasters include floods, hurricanes, earthquakes, tornadoes, tidal waves, severe storms, and landslides. Applicability of the ER program to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses to the highway agency. A bridge suddenly collapsing after being struck by a barge is an example of a catastrophic failure from an external cause. The ER program provides for repair and restoration of highway facilities to pre-disaster conditions. Restoration in kind is therefore the predominate type of repair expected to be accomplished with ER funds. Generally, all elements of the damaged highway within its cross section are eligible for ER funds. Roadway items that are eligible may include: Pavement, shoulders, slopes and embankments, guardrail, signs and traffic control devices, bridges, culverts, bike and pedestrian paths, fencing, and retaining walls. Other eligible items may include: Engineering and right-of-way costs, debris removal, transportation system management strategies, administrative expenses, and equipment rental expenses. This information collection is needed for the FHWA to fulfill its statutory obligations regarding funding determinations for ER eligible damages following a disaster. The regulations covering the FHWA ER program are contained in 23 CFR part 668.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, and the Virgin Islands.

Estimated Average Annual Burden: The respondents submit an estimated total of 30 applications each year. Each application requires an estimated average of 250 hours to complete.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 7,500 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 5, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–11544 Filed 5–16–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2014–0011–N–11]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and request for comments

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the renewal Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on March 4, 2014 (79 FR 12263).

DATES: Comments must be submitted on or before June 18, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5,

1320.8(d)(1), 1320.12. On March 4, 2013, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICR that the agency is seeking OMB approval. *See* 79 FR 12263. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection request (ICR) and the expected burden. The revised request is being submitted for clearance by OMB as required by the PRA.

Title: Railroad Safety Appliance Standards (Miscellaneous Revisions).

OMB Control Number: 2130–0594.

Abstract: FRA amended the regulations related to safety appliance arrangements on railroad equipment on April 28, 2011. *See* 76 FR 23714. The amendments are intended to promote the safe placement and securement of safety appliances on modern rail equipment by establishing a process for the review and approval of existing industry standards. This process permits railroad industry representatives to submit requests for the approval of existing industry standards relating to the safety appliance arrangements on newly constructed railroad cars, locomotives, tenders, or other rail vehicles in lieu of the specific provisions currently contained in part 231. It is anticipated that this special approval process enhances railroad safety by allowing FRA to consider technological advancements and ergonomic design standards for new car construction and ensuring that modern rail equipment complies with the applicable statutory and safety-critical regulatory requirements related to safety appliances while also providing the flexibility to efficiently address safety appliance requirements on new designs in the future for railroad cars, locomotives, tenders, or other rail vehicles. The information collected under this regulation is used by FRA to better serve the goal of adapting to changes in modern rail car design while also facilitating statutory and regulatory compliance.

Type of Request: Revision of a currently approved information collection.

Affected Public: Businesses (Railroads).

Form(s): N/A.

Annual Estimated Burden: 52,518 hours.

Addressee: Send comments regarding this information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC, 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on May 13, 2014.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2014–11412 Filed 5–16–14; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0663]

Agency Information Collection (Pay Now Enter Info Page) Activity Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 18, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0663'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0663.''

SUPPLEMENTARY INFORMATION:

Title: Pay Now Enter Info Page.

OMB Control Number: 2900–0663.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants who participated in VA's benefit programs and owe debts to VA can voluntary make online payments through VA's Pay Now Enter Info Page Web site. Data enter on the Pay Now Enter Info Page is redirected to the Department of Treasury's Pay.gov Web site allowing claimants to make payments with credit or debit cards, or directly from their bank account. At the conclusion of the transaction, the claimant will receive a confirmation acknowledging the success or failure of the transaction.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 31, 2014, at page 5529.

Affected Public: Individuals or households.

Estimated Annual Burden: 24,667 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Daily.

Estimated Number of Respondents: 148,000.

Dated: May 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–11404 Filed 5–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0028]

Agency Information Collection (Application of Service Representative for Placement on Mailing List; Request for and Consent To Release of Information From Claimant's Records; Request to Correspondent for Identifying Information; and 38 CFR 1.519(A) Lists of Names and Addresses) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 18, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0028'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0028.''

SUPPLEMENTARY INFORMATION:

Titles:

a. Application of Service Representative for Placement on Mailing List, VA Form 3215.

b. Request for and Consent to Release of Information from Claimant's Records, VA Form 3288.

c. Request to Correspondent for Identifying Information, VA Form Letter 70–2.

d. 38 CFR 1.519(A) Lists of Names and Addresses.

OMB Control Number: 2900–0028.

Type of Review: Revision of a currently approved collection.

a. *Abstract:* VA operates an outreach services program to ensure Veterans and beneficiaries have information about benefits and services to which they may be entitled. To support the program, VA distributes copies of publications to Veterans Service Organizations' representatives to be used in rendering services and representation of Veterans, their spouses and dependents. Service organizations complete VA Form 3215 to request placement on a mailing list for specific VA publications.

b. Veterans or beneficiaries complete VA Form 3288 to provide VA with a written consent to release his or her records or information to third parties such as insurance companies, physicians and other individuals.

c. VA Form Letter 70–2 is used to obtain additional information from a correspondent when the incoming correspondence does not provide sufficient information to identify a Veteran. VA personnel use the information to identify the Veteran, determine the location of a specific file, and to accomplish the action requested by the correspondent such as processing a benefit claim or file material in the individual's claims folder.

d. Title 38 U.S.C. 5701(f)(1) authorized the disclosure of names or addresses, or both of present or former members of the Armed Forces and/or their beneficiaries to nonprofit organizations (including members of Congress) to notify Veterans of Title 38 benefits and to provide assistance to Veterans in obtaining these benefits. This release includes VA's Outreach Program for the purpose of advising Veterans of non-VA Federal State and local benefits and programs.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 11, 2014, at pages 8244–8245.

Affected Public: Individuals or households, not for profit institutions, and State, local or tribal government.

Estimated Annual Burden:

a. Application of Service Representative for Placement on Mailing List, VA Form 3215—25 hours.

b. Request for and Consent to Release of Information from Claimant's Records, VA Form 3288—18,875 hours.

c. Request to Correspondent for Identifying Information, VA Form Letter 70–2—3,750 hours.

d. 38 CFR 1.519(A) Lists of Names and Addresses—50 hours.

Estimated Average Burden per Respondent:

a. Application of Service Representative for Placement on Mailing List, VA Form 3215—10 minutes.

b. Request for and Consent to Release of Information from Claimant's Records, VA Form 3288—7.5 minutes.

c. Request to Correspondent for Identifying Information, VA Form Letter 70–2—5 minutes.

d. 38 CFR 1.519(A) Lists of Names and Addresses—60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. Application of Service Representative for Placement on Mailing List, VA Form 3215—150.

b. Request for and Consent to Release of Information from Claimant's Records, VA Form 3288—151,000.

c. Request to Correspondent for Identifying Information, VA Form Letter 70–2—45,000.

d. 38 CFR 1.519(A) Lists of Names and Addresses—50.

Dated: May 13, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–11381 Filed 5–16–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Advisory Committee on Disability Compensation (Committee) will meet on June 23–25, 2014, at the U.S. Department of Veterans Affairs, Room 530, 810 Vermont Avenue NW., Washington, DC 20420. The sessions will begin at 8:30 a.m. and end at 4:30 p.m. on all three days. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs

on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and other VA benefits programs. Time will be allocated for receiving public comments. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Nancy Copeland, Designated Federal Officer, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Regulation Staff (211D), 810 Vermont Avenue NW., Washington, DC 20420 or email at *nancy.copeland@va.gov.*

Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting or seeking additional information should email Mrs. Copeland or contact her at (202) 461–9685.

Dated: May 14, 2014.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2014–11443 Filed 5–16–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Monday,

No. 96 May 19, 2014

Part II

The President

Notice of May 15, 2014—Continuation of the National Emergency With Respect to Burma

Federal Register
Vol. 79, No. 96
Monday, May 19, 2014

Presidential Documents

Title 3—

The President

Notice of May 15, 2014

Continuation of the National Emergency With Respect to Burma

On May 20, 1997, the President issued Executive Order 13047, certifying to the Congress under section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), that the Government of Burma had committed large-scale repression of the democratic opposition in Burma after September 30, 1996, thereby invoking the prohibition on new investment in Burma by United States persons contained in that section. The President also declared a national emergency pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Burma.

Because the actions and policies of the Government of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 20, 1997, and the measures adopted to deal with the emergency in Executive Orders 13047 of May 20, 1997; 13310 of July 28, 2003; 13448 of October 18, 2007; 13464 of April 30, 2008; 13619 of July 11, 2012; and 13651 of August 6, 2013, must continue in effect beyond May 20, 2014. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Burma declared in Executive Order 13047. This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,
May 15, 2014.

[FR Doc. 2014–11725
Filed 5–16–14; 11:15 am]
Billing code 3295–F4

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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