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Title 3—

The President

Notice of May 19, 2014

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, the President 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 posed by obstacles to the continued reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

The obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared in Executive Order 13303, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, must continue in effect beyond May 22, 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 the stabilization of Iraq declared in Executive Order 13303.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,

May 19, 2014.

[FR Doc. 2014–11895

Filed 5–20–14; 8:45 am]

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Rules and Regulations

Federal Register

Vol. 79, No. 98

Wednesday, May 21, 2014

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

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 179

RIN 3206–AM89

Administrative Wage Garnishment

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting as final its proposed regulation to implement the administrative wage garnishment (AWG) provisions of the Debt Collection Act of 1982, as amended by the Debt Collection Improvement Act of 1996 (DCIA). The regulation will allow OPM to garnish the disposable pay of an individual to collect delinquent non-tax debts owed to the United States without first obtaining a court order. The regulation sets forth procedures for use by OPM in collecting debts owed to the Federal Government. The Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and the DCIA, requires agencies to issue regulations on their debt collection procedures. The regulation includes procedures for collection of debts through AWG.

DATES: Effective July 21, 2014.

FOR FURTHER INFORMATION CONTACT: Robert Wurster, (202) 606–5220.

SUPPLEMENTARY INFORMATION: OPM's implementation of AWG would maximize collections of delinquent debts while minimizing the costs of debt collections. By adding a new Subpart D to 5 CFR part 179, OPM may collect non-tax debts owed to it from non-Federal wages pursuant to 31 U.S.C. 3720D and 31 CFR 285.11.

Background

OPM received no comments for the proposed rule. The commenting period was from January 6 to March 7, 2014. The DCIA directed the Secretary of the Treasury to issue implementing regulations (see 31 U.S.C. 3720D(h)) with respect to AWG. On May 6, 1998 (63 FR 25136), the Department of Treasury (Treasury) published a final rule implementing the statutory AWG requirements at 31 CFR 285.11. Paragraph (f) of 31 CFR 285.11 provides that ''[a]gencies shall prescribe regulations for the conduct of administrative wage garnishment hearings consistent with this section or shall adopt this section without change by reference.'' Among other things, the DCIA centralized administrative collection of Federal non-tax debts with Treasury and gave Treasury responsibility for setting administrative debt collection requirements, including those for AWG. This final rule would amend OPM's regulations at 5 CFR part 179, Subpart D, to adopt 31 CFR 285.11 in its entirety. Specifically, the final rule would establish a new provision that would contain a cross-reference to 31 CFR 285.11.

This regulation implements the administrative wage garnishment provision in section 31001(o) of DCIA, Public Law 104–134, 110 Stat. 1321–358, codified at 31 U.S.C. 3720D, and the Treasury AWG regulations at 31 CFR 285.11. Under the AWG provisions of the DCIA, Federal agencies may garnish administratively up to 15 percent of the wages of a debtor to satisfy a delinquent non-tax debt owed to the United States. Prior to the enactment of the DCIA, Federal agencies were required to obtain a court judgment before garnishing the wages of non-Federal employees. Section 31001(o) of the DCIA preempts State laws that prohibit wage garnishment or otherwise govern wage garnishment procedures.

As authorized by the DCIA, a Federal agency collecting a delinquent non-tax debt may garnish a delinquent debtor's wages in accordance with regulations promulgated by the Secretary of the Treasury. The Treasury Department's Bureau of the Fiscal Service is responsible for promulgating the regulations implementing this and other debt collection tools established by the DCIA.

Purpose: This part prescribes the standards and procedures for the Agency to collect money from a debtor's wages by means of AWG to satisfy delinquent non-tax debts owed to the United States.

Authority: OPM adopts and incorporates all of the provisions of 31 CFR 285.11 concerning AWG, including the hearing procedures described in 31 CFR 285.11(f), as promulgated by Treasury to allow Federal agencies to collect money from an individual whose wages are not paid by the Federal Government. Such collections will be accomplished by means of AWG authorized by 31 U.S.C. 3720D.

Scope: This part applies to all OPM offices that administer programs that give rise to delinquent non-tax debts owed to the United States and to all officers or employees of the Agency authorized to collect such debts.

Procedures: In accordance with the substantive and procedural requirements of 31 U.S.C. 3720D and 31 CFR 285.11, this final rule would establish the following rules and procedures:

1. Providing a debtor with written notice at least 30 days before OPM, or Treasury on OPM's behalf, initiates garnishment proceedings, informing the debtor of the nature and amount of the debt, the intention of the Agency to collect the debt through deductions from the debtor's disposable pay, and an explanation of the debtor's rights regarding the proposed action.

2. Providing the debtor with an opportunity to inspect and copy OPM records relating to the debt, to enter into a repayment agreement with the Agency, and to receive a hearing concerning the existence or amount of the debt, and the terms of a repayment schedule.

3. Conducting a hearing prior to the issuance of a withholding order, if the debtor submits a timely request. When a debtor's request for a hearing is not received within the time period specified, OPM will not delay issuance of a withholding order prior to conducting the hearing.

List of Subjects in 5 CFR Part 179

Administrative practices and procedures, Claims, Debts, Garnishment of wages, Hearings and appeal procedures, Salaries.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

For the reasons set forth above, the Office of Personnel Management amends 5 CFR part 179 as follows:

PART 179—CLAIMS COLLECTIONS STANDARDS

■ 1. The authority citation for part 179 continues to read as follows:

Authority: 5 U.S.C. 1103; Reorganization Plan No. 2 of 1978; 5 U.S.C. 5514; 5 CFR part 550 subpart K; 31 U.S.C. 3701, 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3720A; 31 U.S.C. 3720B; 31 U.S.C. 3720C; 31 U.S.C. 3720D.

■ 2. Add subpart D to read as follows:

Subpart D—Administrative Wage Garnishment

Sec.
179.401 Administrative wage garnishment.

Authority: 15 U.S.C. 46; 31 U.S.C. 3720D; 31 CFR 285.11(f).

§ 179.401 Administrative wage garnishment.

General. OPM may use administrative wage garnishment to collect debts in accordance with the requirements of 31 U.S.C. 3720D and 31 CFR 285.11, including debts it refers to the Bureau of the Fiscal Service, Department of the Treasury, for cross-servicing pursuant to 31 U.S.C. 3711. This part adopts and incorporates all of the provisions of 31 CFR 285.11 concerning administrative wage garnishment, including the hearing procedures described in 31 CFR 285.11(f). This section does not apply to collection of debt by Federal salary offset, under 5 U.S.C. 5514, the process by which OPM collects debts from the salaries of Federal employees.

[FR Doc. 2014–11624 Filed 5–20–14; 8:45 am]

BILLING CODE 6325–23–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2011–0033]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/National Protection and Programs Directorate—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records

AGENCY: Privacy Office, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security is issuing a final rule to amend its regulations to exempt portions of a newly established 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'' from certain provisions of the Privacy Act. Specifically, the Department exempts portions of the ''Department of Homeland Security/National Protection and Programs Directorate—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records'' from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: *Effective Date:* This final rule is effective May 21, 2014.

FOR FURTHER INFORMATION CONTACT: For general questions please contact: Emily Andrew (703) 235–2182, Senior Privacy Officer, National Protection and Programs Directorate, Department of Homeland Security, Washington, DC 20528. For privacy issues please contact: Karen L. Neuman (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

Background

The Department of Homeland Security (DHS) National Protection and Programs Directorate (NPPD) published a notice of proposed rulemaking in the **Federal Register**, 76 FR 34616, on June 14, 2011, proposing to exempt portions of the system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements. The system of records is the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records. The DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program system of records notice (SORN) was published concurrently in the **Federal Register**, 76 FR 34732, June 14, 2011, and comments were invited on both the notice of proposed rulemaking (NPRM) and SORN.

Public Comments

DHS received three comments on the NPRM and one comment on the SORN. Comments on the NPRM and the SORN are outlined below, followed by the Department's responses.

DHS also received a comment in the public docket for the SORN (Document DHS–2011–0032–0003), which addressed the Chemical Facility Anti-Terrorism Standards (CFATS) Personnel Surety Program Information Collection Request (Docket DHS–2009–0026) and other aspects of the Personnel Surety Program, but did not address the SORN, the NPRM, or privacy issues. DHS reviewed that comment, and responded to it in a **Federal Register** notice, 78 FR 17680, March 22, 2013.

NPRM

Comment: One commenter suggested that the Department did not make ''a good faith effort to provide the public with specific reasons or requirements'' to justify Privacy Act exemptions. For this reason the commenter opposed DHS's proposed exemptions.

Response: The Department believes that it provided adequate justification to support the Privacy Act exemptions described in the NPRM. These exemptions are needed to protect the information (i.e., categories of records) listed in the SORN from disclosure to subjects or others related to the vetting activities described in the SORN. Specifically, the exemptions are required to preclude subjects of the CFATS Personnel Surety Program's vetting activities from frustrating these vetting activities; to avoid disclosure of vetting activity techniques; to protect the identities and physical safety of confidential informants and law enforcement personnel; to ensure the Department's ability to obtain information from third parties and other sources; to protect the privacy of third parties; to safeguard classified information; to safeguard records; and for other reasons discussed in the NPRM. Disclosure of information about persons vetted under the CFATS Personnel Surety Program to those persons could also permit them to avoid detection or apprehension. The exemptions proposed here are standard law enforcement and national security exemptions exercised by a large number of Federal law enforcement and intelligence agencies.

Comment: A commenter is pleased that third-party individuals may be designated to act on behalf of facilities as ''Submitters'' under the CFATS Personnel Surety Program, and seeks clarification on how this will be accomplished. Specifically, the commenter sought clarification from DHS on two points: (a) ''any security or information protection requirements that may be required to serve as a 'Submitter' in light of the potential Privacy Act exemption DHS currently seeks and may receive''; and (b) the mechanics of ''[h]ow, specifically, authorized third parties will serve as a facility's agent for elements of TSDB compliance[.]''

Response: The Department does not currently envision any additional or new security or information protection

requirements that will apply to Submitters in light of the Privacy Act exemptions that are the subject of this rulemaking. The Department will publish a user manual when the CFATS Personnel Surety Program is implemented, discussing how different users can access and use the Web portal that the Department intends to establish for the CFATS Personnel Surety Program.

Comment: A commenter stated that the Department's proposal does ''comply with the Privacy Act or follow the corresponding lawful and reasonable exemptions provided in this case by the corresponding Department of Homeland Security Appropriations Act of 2007.'' The commenter also expressed concerns relating to: (a) The length of time it will take the government to conduct screening, and the number of government entities involved in screening; (b) the scope of information being requested and the resulting burden on high-risk chemical facilities; and (c) the duplication involved for those individuals who have already been vetted against the Terrorist Screening Database (TSDB) as part of other government screening programs. The commenter was in favor of the proposed exemptions from portions of the Privacy Act.

Response: The commenter's concerns about the screening procedure, the scope of information requested, and duplicative screening efforts and recommendations are outside the scope of the SORN and this Privacy Act exemptions rulemaking. Nevertheless, the Department addressed the commenter's other concerns in a **Federal Register** notice that solicited comments about the CFATS Personnel Surety Program Information Collection Request, 78 FR 17680, March 22, 2013.

SORN

Comment: One commenter asked whether or not individuals with national security clearances, individuals with access to restricted areas under the U.S. Army's Chemical Personnel Reliability Program (CPRP), or individuals processed by ''the DHS suitability program'' could be exempted from the TSDB vetting requirements of the Personnel Surety Program.

Response: Whether an individual (or category of individuals) could be exempted from the CFATS Personnel Surety Program is not within the scope of the SORN or this Privacy Act exemptions rulemaking. DHS's responses to comments in this document are limited to addressing the SORN for the Personnel Surety Program, and to Privacy Act exemptions related to the collection and disclosure of information under the Personnel Surety Program Systems of Records.

After considering public comments, the Department will implement the rulemaking as proposed.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, Chapter I of Title 6, Code of Federal Regulations, is amended as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for part 5 continues to read as follows:

Authority: 6 U.S.C. 101 et seq.; Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a.

■ 2. Add at the end of Appendix C to part 5, the following new paragraph ''73'':

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

73. The DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to the enforcement of civil and criminal laws; investigations, inquiries, and proceedings thereunder; and national security and intelligence activities. The DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, foreign, or international government agencies. The Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act, subject to limitations set forth therein: 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); and (f). These exemptions are made pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

In addition to records under the control of DHS, the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records may include records originating from systems of records of other law enforcement and intelligence agencies, which may be exempt from certain provisions of the Privacy Act. DHS does not, however, assert exemption from any provisions of the Privacy Act with respect to information submitted by high-risk chemical facilities.

To the extent the DHS/NPPD—002 Chemical Facility Anti-Terrorism Standards Personnel Surety Program System of Records contains records originating from other systems of records, DHS will rely on the exemptions claimed for those records in the originating systems of records. Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest, on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to

themselves in the system would undermine investigative efforts and reveal the identities of witnesses, potential witnesses, and confidential informants.

Dated: May 1, 2014.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2014–11433 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–10–P

FARM CREDIT ADMINISTRATION

12 CFR Part 652

RIN 3052–AC83

Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Liquidity Management

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA, we or us) adopted a final rule that amends its liquidity management regulations for the Federal Agricultural Mortgage Corporation (Farmer Mac). The purpose of the final rule is to strengthen liquidity risk management at Farmer Mac, improve the quality of assets in its liquidity reserves, and bolster its ability to fund its obligations and continue operations during times of economic, financial, or market adversity. In accordance with the law, the effective date of the final rule is 180 days after the date of publication in the **Federal Register**, provided either or both Houses of Congress are in session for at least 30 calendar days after publication of this regulation in the **Federal Register**.

DATES: *Effective Date:* Under the authority of 12 U.S.C. 2252, the regulation amending 12 CFR part 652 published on November 1, 2013 (78 FR 65541) is effective April 30, 2014.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Connor, Associate Director for Policy and Analysis, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4280, TTY (703) 883–4056; or

Richard A. Katz, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration (FCA, we or us) adopted a final rule that amends its liquidity management regulations for the Federal Agricultural Mortgage Corporation (Farmer Mac). The purpose of the final rule is to strengthen liquidity risk management at Farmer Mac, improve the quality of assets in its liquidity reserves, and bolster its ability to fund its obligations and continue operations during times of economic, financial, or market adversity. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 180 days after the date of publication in the **Federal Register**, provided either or both Houses of Congress are in session for at least 30 calendar days after publication of this regulation in the **Federal Register**. Based on the records of the sessions of Congress, the effective date of the regulations is April 30, 2014.

(12 U.S.C. 2252(a)(9) and (10))

Dated: May 15, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–11663 Filed 5–20–14; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2014–0272; Airspace Docket No. 14–ASO–5]

RIN 2120–AA66

Amendment of Restricted Area R–5304C; Camp Lejeune, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action changes the name of the using agency for Restricted Area R–5304C, Camp Lejeune, NC. This is an administrative change to reflect organizational restructuring within the United States Marine Corps. It does not affect the boundaries, designated altitudes, time of designation or activities conducted within the restricted area.

DATES: *Effective date:* 0901 UTC, July 24, 2014.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by updating the using agency name for Restricted Area R–5304C, Camp Lejeune, NC. The name change is due to organizational restructuring within the U.S. Marine Corps. This is an administrative change that does not affect the boundaries, designated altitudes, or activities conducted within the restricted area; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it makes an administrative change to the descriptions of Restricted Area R–5303C, Camp Lejeune, NC to reflect organizational realignments within the U.S. Marine Corps.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the descriptions of the affected restricted area to update the using agency name. It does not alter the dimensions, altitudes, or times of designation of the airspace; therefore, it is not expected to cause any potentially significant

environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.53 [Amended]

■ 2. § 73.53 is amended as follows:

R–5304C Camp Lejeune, NC [Amended]

By removing the words ''Using agency. USMC, Commanding Officer, U.S. Marine Corps Base Camp Lejeune, NC, '' and inserting in their place ''Using agency. USMC, Commanding General, Marine Corps Installations East-Marine Corps Base Camp Lejeune, NC''

Issued in Washington, DC, on May 13, 2014.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–11779 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 35, 154, 341, and 385

[Docket No. RM01–5–001; Order No. 714–A]

Electronic Tariff Filings

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: The Commission is clarifying its regulations to make explicit that, consistent with Order No. 714 and its subsequent orders, statutory tariff and rate filings must be made electronically, according to the Commission's posted requirements for eTariff filings. Filings not made in proper electronic format will not become effective under the applicable statutes if the Commission fails to act by the proposed effective dates in the applicants' pleadings.

DATES: This rule will become effective June 20, 2014.

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg (Legal Information), Office of the General Counsel, 888 First Street NE., Washington, DC 20426, 202–502–8685, *michael.goldenberg@ferc.gov*, (Legal Issues).

H. Keith Pierce (Technical Information), Office of Energy Market Regulation, 888 First Street NE., Washington, DC 20426, 202–502–8525, *keith.pierce@ferc.gov.*

SUPPLEMENTARY INFORMATION:

147 FERC ¶ 61,115

Before Commissioners: Cheryl A. LaFleur, Acting Chairman; Philip D. Moeller, John R. Norris, and Tony Clark.

Final Rule

Issued May 15, 2014

1. By this instant Final Rule, the Commission is clarifying its regulations [1] to make explicit that, in order for filings to have a statutory action date, the filings must be made electronically as tariff filings in accordance with the Commission's posted requirements and formats (commonly known as ''eTariff''). Filings not made in proper format consistent with the Commission's eTariff requirements will not become effective by operation of law under the statutes administered by the Commission, if the Commission fails to act on the filings within the timeframes in the statutes.[2] These revisions clarify the regulations so they reflect the Commission's Order No. 714,[3] adopting regulations requiring electronic filing of tariffs and tariff-related materials.

I. Discussion

2. Section 4 of the Natural Gas Act (NGA),[4] section 205 of the Federal Power Act (FPA),[5] and section 6 of the Interstate Commerce Act (ICA) [6] provide that no change shall be made in rates, charges, classifications, or services except after prior notice provided to the Commission. The statutes further provide that if the Commission fails to act on such a filing within the statutorily prescribed notice period, the changes in the filing will become effective by operation of law.

3. These statutory provisions (section 4(c) of the NGA, section 205(c) of the FPA and section 6(6) of the ICA) also provide that filings to revise rates, terms and conditions of service must be filed in the form the Commission designates. In Order No. 714, the Commission adopted regulations [7] governing the filing of such changes to rates, terms and conditions of service and of other materials related to such changes,[8] for natural gas pipelines, public utilities, and oil pipelines governed by these statutes. These regulations require that all tariff and tariff-related filings must be made electronically according to the requirements and formats for such electronic filing listed in the instructions for such electronic filing.[9] The Commission stated that the formats and data elements in these requirements ''are required to properly identify the nature of the tariff filing. . . .'' [10] In a subsequent order, the Commission further amplified the procedures for identifying whether tariff filings are statutory, explaining that only eTariff filings using the proper filing codes would establish the applicable filing and notice requirements under the NGA, FPA, and ICA.[11] In this regard, the Commission stated that the filer's choice of electronic filing codes determines whether a filing has a statutory action date, and not statements in transmittal letters or other documents.[12]

4. Despite the passage of three years since the implementation of electronic tariff filing, many filers still are incorrectly filing what purport to be statutory filings, either by not making the filings through eTariff or by not using the proper filing codes for statutory filings.[13] We are therefore revising sections 35.7, 154.4, and 341.1 of the Commission's regulations to reflect the Commission's required

[1] 18 CFR 35.7, 154.4, 341.1, and 385.205.

[2] These statutes include the Natural Gas Act (NGA), the Federal Power Act (FPA), and the Interstate Commerce Act (ICA).

[3] *Electronic Tariff Filings,* Order No. 714, 73 FR 57515 (Oct. 3, 2008), FERC Stats. & Regs., Regulations Preambles 2008–2013 ¶ 31,276 (2008).

[4] 15 U.S.C. 717c.

[5] 16 U.S.C. 824d.

[6] 49 App. U.S.C. 6 (1988).

[7] 18 CFR 35.7, 154.4, 157.217, 284.123, 284.224, 300.10, 341.1.

[8] Order No. 714 used the term ''tariff'' to refer to tariffs, rates schedules, jurisdictional contracts, and other jurisdictional agreements that are required to be on file with the Commission. *See* Order No. 714, FERC Stats. & Regs. ¶ 31,276 at P 13 n.11.

[9] The Commission indicated that grandfathered agreements did not need to be refiled as part of the initial baseline filing to place jurisdictional agreements in eTariff. Order No. 714, FERC Stats. & Regs., Regulations Preambles 2008–2013 ¶ 31,276, at P 92 (2008). Such agreements, therefore, may be cancelled under section 35.17 of the regulations without the submission of an eTariff statutory filing.

[10] *Id.* P 23.

[11] *Electronic Tariff Filings,* 130 FERC ¶ 61,047 (2010).

[12] *Id.* P 4.

[13] As the Commission indicated in *Electronic Tariff Filings,* Commission staff would endeavor to call (and, in fact, have frequently called) filers to identify filings with transmittal letters that purport to be making statutory filings but that were not properly filed electronically as statutory filings. *Id.* P 5.

procedures and practices to better ensure accurate filing. The regulations now will provide explicitly that only tariff filings properly filed as and designated as statutory filings according to the Commission's eTariff requirements will be considered to have statutory action dates, and that tariff filings not properly filed and designated as statutory filings will not become effective in the absence of Commission action. We also are similarly amending section 385.205 to provide explicitly that a tariff filing must be made electronically, according to the requirements and formats for electronic filing posted by the Secretary.[14]

5. To help filers verify the nature of their filing, the Commission enables filers to verify whether their electronic filings match their intent. Filers making electronic tariff filings are notified of the ''type of filing'' code used in the responsive emails by the Secretary to their electronic filing, and the Commission's eLibrary filing description includes the ''type of filing'' code.[15]

II. Information Collection Statement

6. Office of Management and Budget (OMB) regulations require OMB to approve certain information collection requirements imposed by agency rule.[16] However, this instant Final Rule does not contain or modify any information collection requirements.

III. Environmental Analysis

7. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[17] Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement, and this rulemaking qualifies under the exemption for procedural, ministerial or internal administrative actions.[18]

IV. Regulatory Flexibility Act

8. The Regulatory Flexibility Act of 1980 (RFA)[19] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This instant Final Rule concerns agency procedures. The Commission certifies that it will not have a significant economic impact upon participants in Commission proceedings. An analysis under the RFA is thus not required.

V. Document Availability

9. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

10. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

11. User assistance is available for eLibrary and the Commission's Web site during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

VI. Effective Date and Congressional Notification

12. The Commission is issuing this rule as an instant Final Rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure or practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of agency procedure, and will not significantly affect regulated entities or the general public.

List of Subjects

18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements, Electricity.

18 CFR Part 154

Natural gas, Pipelines, Reporting and recordkeeping requirements, Natural gas companies, Rate schedules and tariffs.

18 CFR Part 341

Maritime carriers, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission amends parts 35, 154, 341, and 385, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Section 35.7 is amended by revising the section heading, and adding paragraph (d) to read as follows:

§ 35.7 Electronic filing of tariffs and related materials.

* * * * *

(d) Only filings filed and designated as filings with statutory action dates in accordance with these electronic filing requirements and formats will be considered to have statutory action dates. Filings not properly filed and designated as having statutory action dates will not become effective, pursuant to the Federal Power Act, should the Commission not act by the requested action date.

PART 154—RATE SCHEDULES AND TARIFFS

■ 3. The authority citation for part 154 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 31 U.S.C. 9701; 42 U.S.C. 7102–7352.

■ 4. Section 154.4 is amended by adding paragraph (d) to read as follows:

§ 154.4 Electronic filing of tariffs and related materials.

* * * * *

[14] As we provided in Order No. 714, the Secretary of the Commission has delegated authority to make revisions to these instructions, including ''type of filing'' codes. 18 CFR 375.302(z). These instructions are *available at http://www.ferc.gov/docs-filing/etariff.asp.*

[15] Federal Energy Regulatory Commission, eTariff, eTariff Email Templates, (*http://www.ferc.gov/docs-filing/etariff.asp*), *http://www.ferc.gov/docs-filing/etariff/etariff-temp.pdf.*

The statutory filing codes are listed in the ''Type of Filing'' Rules Table posted on the Commission's eTariff Web site, *http://www.ferc.gov/docs-filing/etariff/types-filing-rules-table.pdf* (Statutory Filings are those denominated under the heading ''Filing Category'' as ''Normal'', ''Cancellation'', and ''Baseline New'').

[16] 5 CFR 1320.12.

[17] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

[18] 18 CFR 380.4(a)(1).

[19] 5 U.S.C. 601–12.

(d) Only filings filed and designated as filings with statutory action dates in accordance with these electronic filing requirements and formats will be considered to have statutory action dates. Filings not properly filed and designated as having statutory action dates will not become effective, pursuant to the Natural Gas Act, should the Commission not act by the requested action date.

PART 341—OIL PIPELINE TARIFFS: OIL PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT

■ 5. The authority citation for part 341 continues to read as follows:

Authority: 42 U.S.C. 7101–7352; 49 U.S.C. 1–27.

■ 6. Section 341.1 is amended by adding paragraph (d) to read as follows:

§ 341.1 Electronic filing of tariffs and related materials.

* * * * *

(d) Only filings filed and designated as filings with statutory action dates in accordance with these electronic filing requirements and formats will be considered to have statutory action dates. Filings not properly filed and designated as having statutory action dates will not become effective, pursuant to the Interstate Commerce Act, should the Commission not act by the requested action date.

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 7. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825v, 2601–2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988).

■ 8. Section 385.205 is revised to read as follows:

§ 385.205 Tariff or rate filings (Rule 205).

(a) A person must make a tariff or rate filing in order to establish or change any specific rate, rate schedule, tariff, tariff schedule, fare, charge, or term or condition of service, or any classification, contract, practice, or any related regulation established by and for the applicant.

(b) A tariff or rate filing must be made electronically in accordance with the requirements and formats for electronic filing listed in the instructions for electronic filings. A tariff or rate filing not made in accordance with these requirements and formats will not have a statutory action date and will not become effective should the Commission not act by the requested action date.

[FR Doc. 2014–11767 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 10, 24, 162, 163, and 178

[USCBP–2013–0040; CBP Dec. 14–06]

RIN 1515–AD93

United States-Panama Trade Promotion Agreement

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule interim amendments to the U.S. Customs and Border Protection (CBP) regulations which were published in the **Federal Register** on October 23, 2013, as CBP Dec. 13–17, to implement the preferential tariff treatment and other customs-related provisions of the United States-Panama Trade Promotion Agreement.

DATES: Final rule effective June 20, 2014.

FOR FURTHER INFORMATION CONTACT:

Textile Operational Aspects: Diane Liberta, Textile Operations Branch, Office of International Trade, (202) 863–6241.

Other Operational Aspects: Katrina Chang, Trade Policy and Programs, Office of International Trade, (202) 863–6532.

Legal Aspects: Karen Greene, Regulations and Rulings, Office of International Trade, (202) 325–0041.

SUPPLEMENTARY INFORMATION:

Background

On June 28, 2007, the United States and the Republic of Panama (the ''Parties'') signed the United States-Panama Trade Promotion Agreement (''PANTPA'' or ''Agreement''). On October 21, 2011, the President signed into law the United States-Panama Trade Promotion Agreement Implementation Act (the ''Act''), Public Law 112–43, 125 Stat. 497 (19 U.S.C. 3805 note), which approved and made statutory changes to implement the PANTPA. On October 29, 2012, the President signed Proclamation 8894 to implement the PANTPA. The Proclamation, which was published in the **Federal Register** on November 5, 2012, (77 FR 66507), modified the Harmonized Tariff Schedule of the United States (''HTSUS'') as set forth in Annexes I and II of Publication 4349 of the U.S. International Trade Commission.

On October 23, 2013, CBP published CBP Dec. 13–17 in the **Federal Register** (78 FR 63052) setting forth interim amendments to implement the preferential tariff treatment and other customs-related provisions of the PANTPA and the Act. The majority of the PANTPA implementing regulations set forth in CBP Dec. 13–17 and adopted as final in this document have been included within Subpart S of Part 10 of the CBP regulations (19 CFR Part 10). However, in those cases in which PANTPA implementation is more appropriate in the context of an existing regulatory provision, the PANTPA regulatory text has been incorporated into an existing Part within the CBP regulations. CBP Dec. 13–17 also sets forth a number of cross-references and other consequential changes to existing regulatory provisions to clarify the relationship between those existing provisions and the new PANTPA implementing regulations. Please refer to that document for further background information.

Although the interim regulatory amendments were promulgated without prior public notice and comment procedures and took effect on October 23, 2013, CBP Dec. 13–17 provided for the submission of public comments which would be considered before adoption of the interim regulations as a final rule. The prescribed public comment closed on December 23, 2013. CBP received one comment on CBP Dec. 13–17.

Discussion of Comments

One response was received to the solicitation of comments on the interim rule set forth in CBP Dec. 13–17. The comment is discussed below.

Comment

One commenter disagreed with the establishment of the PANTPA and suggested that the trade agreement would cause domestic economic issues and could cause social problems as well.

CBP Response

The PANTPA Implementation Act was enacted by Congress. The commenter's concerns regarding the economic and social impact of the

PANTPA are, accordingly, beyond the scope of this rulemaking which deals with implementing the preferential tariff treatment and other customs-related provisions of the Act. Accordingly, it would be inappropriate for CBP to address the comment.

Conclusion

After further review of the matter, and in light of the one comment, CBP has determined to adopt as final, with no changes, the interim rule published in the **Federal Register** (78 FR 63052) on October 23, 2013.

Executive Order 12866

This document is not a regulation subject to the provisions of Executive Order 12866 of September 30, 1993 (58 FR 51735, October 1993), because it pertains to a foreign affairs function of the United States and implements an international agreement, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866.

Regulatory Flexibility Act

CBP Dec. 13–17 was issued as an interim rule rather than a notice of proposed rulemaking because CBP had determined that the interim regulations involve a foreign affairs function of the United States pursuant to § 553(a)(1) of the Administrative Procedure Act (APA). Because no notice of proposed rulemaking was required, the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*), do not apply. Accordingly, this final rule is not subject to the regulatory analysis requirements or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collections of information contained in these regulations have previously been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1651–0117, which covers many of the free trade agreement requirements that CBP administers, and 1651–0076, which covers general recordkeeping requirements. The collections of information in these regulations are in §§ 10.2003, 10.2004, and 10.2007 of title 19 of the Code of Federal Regulations (19 CFR 10.2003, 10.2004, and 10.2007). This information is required in connection with general recordkeeping requirements (§ 10.2007), as well as claims for preferential tariff treatment under the PANTPA and the Act and will be used by CBP to determine eligibility for tariff preference under the PANTPA and the Act. The likely respondents are business organizations including importers, exporters and manufacturers.

The estimated average annual burden associated with the collection of information in this final rule is 500 hours. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177. Under the Paperwork Reduction Act, an agency may not conduct or sponsor and a person is not required to respond to a collection of information, unless it displays a valid OMB control number.

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain CBP revenue functions.

List of Subjects

19 CFR Part 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 24

Accounting, Customs duties and inspection, Financial and accounting procedures, Reporting and recordkeeping requirements, Trade agreements, User fees.

19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Penalties, Trade agreements.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

Amendments to the CBP Regulations

Accordingly, the interim rule amending parts 10, 24, 162, 163, and 178 of the CBP regulations (19 CFR parts 10, 24, 162, 163, and 178), which was published at 78 FR 63052 on October 23, 2013, is adopted as a final rule.

R. Gil Kerlikowske,

Commissioner.

Approved: May 14, 2014.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2014–11576 Filed 5–20–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2009–F–0303]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Advantame

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the food additive regulations to provide for the safe use of advantame as a non-nutritive sweetener and flavor enhancer in foods generally, except meat and poultry. This action is in response to a petition filed by Ajinomoto Co., Inc.

DATES: This rule is effective May 21, 2014. See section IX for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing by June 20, 2014. The Director of the Office of the Federal Register approves the incorporation by reference of certain publications listed in the rule as of May 21, 2014.

ADDRESSES: You may submit either electronic or written objections and requests for a hearing identified by Docket No. FDA–2009–F–0303, by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

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

Written Submissions

Submit written objections in the following way:

• *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA–2009–F–0303 for this rulemaking. All objections received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section.

Docket: For access to the docket to read background documents or objections received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Felicia M. Ellison, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1264.

SUPPLEMENTARY INFORMATION:

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I. Background

In a notice published in the **Federal Register** of July 21, 2009 (74 FR 35871), we announced that Ajinomoto Co., Inc., c/o Ajinomoto Corporate Services LLC, 1120 Connecticut Ave. NW., Suite 1010, Washington DC, 20036, had filed a food additive petition (FAP 9A4778). The petition proposed to amend the food additive regulations in part 172 *Food Additives Permitted for Direct Addition to Food for Human Consumption* (21 CFR part 172), to provide for the safe use of advantame as a non-nutritive sweetener in tabletop applications and powdered beverage mixes.

In a letter dated August 24, 2012, the petitioner informed us that the care of FAP 9A4778 had been transferred from Ajinomoto Corporate Services LLC to Ajinomoto North America, Inc., One Parker Plaza, 400 Kelby St., Fort Lee, NJ 07024.

In an amended notice published in the **Federal Register** of October 26, 2012 (77 FR 65340), we announced that Ajinomoto Co., Inc., c/o Ajinomoto North America, Inc., One Parker Plaza, 400 Kelby St., Fort Lee, NJ 07024, had amended its food additive petition to also provide for the safe use of advantame as a non-nutritive sweetener and flavor enhancer in foods generally, except in meat and poultry.

II. Evaluation of Safety of Advantame

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348(c)(3)(A)), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. ''Safe'' or ''safety'' in the context of food additives means that there is ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use'' (21 CFR 170.3(i)). To establish with reasonable certainty that a food additive is not harmful under its intended conditions of use, we consider the projected human dietary exposure to the additive, the additive's toxicological data, and other relevant information (such as published literature) available to us. We compare an individual's estimated daily intake (EDI) of the additive from all food sources to an acceptable intake level established by toxicological data. The EDI is determined by projections based on the amount of the additive proposed for use in particular foods and on data regarding the amount consumed from all food sources of the additive. We commonly use the EDI for the 90th percentile consumer of a food additive as a measure of high chronic dietary intake.

A. Chemistry and Intake Considerations of Advantame

Advantame is the common or usual name for the chemical *N*-[*N*-[3-(3-hydroxy-4- methoxyphenyl)propyl]-α-aspartyl]-L-phenylalanine 1-methyl ester, monohydrate (CAS Reg. No. 714229–20–6). The additive is a white to yellowish crystalline powder that is an *N*-substituted derivative of the sweetener aspartame (21 CFR 172.804), with the amino nitrogen of aspartame alkylated with a 3-hydroxy-4-methoxy phenyl moiety. Advantame also is similar to the sweetener neotame, another *N*-substituted derivative of aspartame that is approved as a sweetener in foods generally, except meat and poultry, in accordance with current good manufacturing practice, in an amount not to exceed that reasonably required to accomplish the intended technical effect, in foods for which standards of identity established under section 401 of the FD&C Act (21 U.S.C. 341) do not preclude such use (21 CFR 172.829). Data in the petition show that advantame has a sweetening potency that is approximately 20,000 times that of sucrose, depending on its food application (Ref. 1). The petitioner has proposed the use of advantame in food at levels not in excess of that reasonably required to produce its intended technical effect. We have reviewed results from taste panel studies that investigated the sweetness profile of advantame as a function of concentration in a variety of foods, and these data demonstrate that advantame can be used at self-limiting levels in food (Refs. 1 and 2).

Based upon data from stability studies on advantame, we concluded that advantame is stable under normal storage and use conditions. The stability studies show that degradation of advantame is pH-, time-, and temperature-dependent and is more likely to occur from its use in low pH foods (i.e., acidic foods) during extended storage conditions. Under such extreme conditions, the principal degradation product is *N*-[*N*-[3-(3-hydroxy-4-methoxyphenyl)propyl]-α-aspartyl]-L-phenylalanine (ANS-acid), which is the de-esterified form of advantame. As is the case with neotame, the N-alkyl substituent effectively prevents the common dipeptide cyclization reaction that results in the formation of a diketopiperazine derivative (Refs. 1 to 3).

Further, there is no concern from exposure to these degradation products under either normal or extended storage and use conditions (Refs. 2 and 4).

The petitioner determined the eaters-only EDI of advantame (i.e., the EDI for the population of study subjects that consumed one or more of the foods containing the additive) from its proposed use as a general-purpose sweetener and flavor enhancer at the 90th percentile of consumption to be 10 milligrams per person per day (mg/p/d) for the total U.S. population (all ages) and 8.1 mg/p/d for children (3 to 11 years old). The corresponding mean estimated intakes are 4.9 mg/p/d and 4.6 mg/p/d, respectively. We concur with the petitioner's exposure estimate for advantame (Ref. 2).

We also estimated the eaters-only EDI of the principal degradation product

(ANS-acid), related impurities that may be formed during the manufacture of advantame, and related degradation products that may be formed under certain conditions in food. The eaters-only EDI of the principal degradation product, related impurities, and related degradation products at the 90th percentile of consumption is 0.10 mg/p/d, 0.15 mg/p/d, and 0.20 mg/p/d, respectively, for the total U.S. population (all ages); and 0.08 mg/p/d, 0.12 mg/p/d, and 0.16 mg/p/d, respectively for children (3 to 11 years old) (Ref. 2).

We also estimated the eaters-only dietary exposure to both advantame and its degradation products for other subpopulations, including various age groups of children, and have concluded that the exposure estimated for the U.S. population (all ages) represents the upper-bound cumulative dietary exposure to advantame and its degradation products from food (Ref. 2).

B. Overview of Advantame Safety Studies

In support of the safety of advantame, the petitioner submitted 37 preclinical (animal), clinical (human subjects), and specialty toxicology studies, along with several additional exploratory or screening studies. All pivotal preclinical studies were conducted in accordance with our Good Laboratory Practice (GLP) regulations appearing in 21 CFR part 58, or in accordance with other internationally accepted GLP standards.

The preclinical studies included *in vivo* short-term, sub-chronic, and chronic studies in the rat, mouse, rabbit, and dog, including reproductive and developmental studies in the rat and rabbit. The safety data also included neurotoxicity and immunotoxicity studies in the rat; pharmacokinetic studies in the mouse, rat, and dog; carcinogenicity studies in the mouse and rat; and a series of *in vitro* mutagenicity and genotoxicity studies. The petitioner also submitted studies assessing tolerance in the rabbit and dog, and palatability in the mouse.

In addition, the petitioner submitted four clinical studies that examined tolerance, absorption, distribution, metabolism, and excretion (ADME) of advantame in human subjects. Subjects in the ADME studies included healthy adult males and females, as well as adult males and females with type 2 diabetes.

C. Toxicology/Safety Assessment of Advantame

1. Pharmacokinetics and Metabolism of Advantame

The petitioner conducted pharmacokinetic and metabolism studies in the rat, dog, and humans to support the safety of advantame for human use. The studies were designed to address the metabolic fate (i.e., absorption, distribution, metabolism, and excretion) of advantame.

a. *Absorption of advantame.* Pharmacokinetic parameters estimated from advantame study data show that absorption of advantame and its metabolites occurs almost entirely in the small intestine, and that the amount absorbed can approach 15 percent in humans. Advantame absorption rates varied 2- to 4-fold between individuals. The rat and dog appeared to absorb less advantame than humans (8 to 15 percent as compared to humans). Absorption of advantame was limited by rapid intestinal hydrolysis of the methyl ester in all species.

b. *Distribution of advantame.* The petitioner conducted studies with radiolabelled advantame to identify which organs might accumulate advantame or its metabolites if absorbed. In the rat, the radiolabelled advantame was found primarily in the organs of absorption (gastrointestinal (GI) tract), metabolism (liver), and excretion (GI tract, kidneys, and urinary bladder). Low levels of radioactivity were observed in all other tissues. Distribution of radiolabelled advantame in the dog was studied after oral dosing and was dominated by high concentrations of radioactivity in the organs of absorption, followed by excretory organs, such as the liver and kidneys. There was very little radioactivity detected in other tissues. In a study using radiolabelled advantame in pregnant rats, low levels of radioactivity were observed in the placenta, with no radioactivity observed in the fetuses. Based on these findings, we conclude there is no concern for possible accumulation of advantame or its metabolites at expected human intake levels.

c. *Metabolism of advantame.* Data from metabolism studies using radiolabelled advantame in the rat, dog, and human volunteers showed five metabolites: (1) The methyl ester hydrolysis product (ANS9801-acid); (2) a sulfate conjugate of ANS9801-acid (ANS-a-SO4), *N*-[*N*-[3-(3-sulfoxy-4-methoxyphenyl)propyl]-L-α-aspartyl]-L-phenylalanine; (3) de-methyoxylated metabolite of ANS9801-acid (RF–1), *N*-[*N*-[3-(3,4-dihydroxyphenyl)propyl]-L-α-aspartyl]-L-phenylalanine; (4) the phenylalanine cleavage product of ANS9801-acid (HF–1), *N*-[3-(3-hydroxy-4-methoxyphenyl)propyl]-L-α-aspartic acid; and (5) 3-(3-hydroxy-4-methoxyphenyl) propylamine (HU–1).

ANS9801-acid represented 40 percent or more of the excreted metabolic products in all species tested. HF–1 and HU–1 were other minor metabolites. These metabolites likely are derived from ANS9801-acid in the intestines. In humans, HF–1 and ANS9801-acid were the only metabolites identified in feces, at 30 ± 12 percent and 52 ± 13 percent of the dose, respectively. Other (uncharacterized) metabolites accounted for 0 to 3 percent of the dose in feces. ANS9801-acid represented 43 percent of urinary radioactivity, with HU–1 and HF–1 representing 35 percent and 19 percent of the urinary radioactivity, respectively. The remaining 2 to 3 percent of urinary radioactivity consisted of uncharacterized metabolites. Overall, 82 to 100 percent of the radioactivity was accounted for in these studies, which is within the acceptable range of recoveries for pharmacokinetic studies.

Methanol and phenylalanine both are released during the metabolism of advantame. The metabolism studies provided by the petitioner indicated that most advantame residues excreted in the feces and urine are in the form of the metabolite ANS9801-acid. At the EDI for advantame, it is unlikely that even 100 percent conversion of advantame to methanol or phenylalanine would affect physiological levels of methanol or phenylalanine. Therefore, we conclude that the amounts of methanol and phenylalanine released from metabolism of advantame do not represent a safety concern (Ref. 5).

d. *Excretion of advantame.* Advantame and its metabolites were rapidly eliminated from the rat and human. The findings were similar in dogs, with the exception of the excretion of the metabolite ANS-a-SO4, which was eliminated more slowly. Advantame has an approximate half-life (the amount of time required for a quantity of a substance to fall to half its initial value) of less than 60 minutes after absorption in humans. The metabolite ANS9801-acid has a half-life of 3 to 5 hours in humans. Ultimately, 90 to 95 percent of absorbed advantame is excreted in the feces and urine within 24 hours of absorption. Based on the review findings from the metabolism and pharmacokinetic studies on advantame, there is no indication that advantame or its metabolites will accumulate in humans. In addition,

given the rapid rates of excretion, there is no indication that advantame or its metabolites will accumulate in the body from the proposed uses of advantame (Ref. 3). The potential intake of the primary metabolite, the ANS9801-acid, as well as other minor metabolites is of no toxicological consequence. Therefore, we conclude that the metabolism and pharmacokinetic studies of advantame do not raise any safety concerns (Ref. 5).

2. Neurotoxicity and Immunotoxicity Assessment of Advantame

The petitioner investigated the potential neurotoxicity of advantame in rats. Within each of the standard toxicology studies submitted, the petitioner also reported physical, behavioral, and clinical observations for each animal, followed by extensive histological evaluations of brain, spinal cord, and peripheral nerves. Data on critical prenatal neurological development were examined in the *in utero* phase of the carcinogenicity/chronic toxicity studies in rats. No treatment-related neurotoxicological effects or abnormal behaviors were seen in animals that were exposed to advantame in these studies.

In addition to examining various general endpoints related to neurological systems within standard toxicology studies, the petitioner conducted a neurobehavioral study in which rats were fed diets containing 10, 100, or 1,000 milligrams per kilogram body weight (mg/kg bw) of advantame. One group of rats was fed a diet containing 3 mg/kg bw of amphetamine sulfate as a positive control. Locomotor activity of the rats was measured for 10 minutes at each dose interval beginning with the pre-dose period followed by measurements performed at 30, 60, 180, and 300 minutes post-dose. The study authors concluded that there were no significant effects of advantame on spontaneous locomotor activity at any dose level under the conditions of the study.

Based on the lack of effect on rat locomotor activity of advantame given at the highest dose, we concluded that the No Observed Effect Level (NOEL) under the conditions of this study was 1,000 mg/kg bw (Ref. 6). Given the lack of signs of neurotoxicity, as well as an absence of histopathological change in the central nervous system (brain and spinal cord) and peripheral nerves in any of the treated animals, we conclude that the neurotoxicity studies of advantame do not raise safety concerns (Ref. 4).

The petitioner presented data for two general, repeat-dose toxicology studies, a 4-week and a 13-week rat study, that evaluated the immunotoxicity potential of advantame. Findings related to various immune responses in these rat studies initially appeared to represent potential immunotoxicity responses (Ref. 7). After further evaluation, we determined that the lymphocyte reduction observed in the studies was due to individual animal variations and not to treatment with advantame. We also evaluated the reported low thymic weights in the high-dose groups of both sexes for the 4-week study and concluded that this change was consistent with a non-specific high-dose stress response because it was limited to the high-dose groups and affected only a few animals. We reviewed the seemingly dose-related degenerative changes in the thymuses of the 13-week female groups and determined that this change likely was incidental because it was not reported in either the 4-week or 2-year rat studies. Overall, we concluded that the immunological findings observed in the two rat studies did not have any toxicological significance as there was no evidence of a treatment-related immunotoxic response (Ref. 8). Based on these evaluations, we concluded that advantame did not cause immunotoxicological effects within the context of these rat studies (Ref. 4).

The petitioner conducted an additional immunotoxicity study in the same rat strain used in the 4-week and 13-week rat studies. In this study, rats were fed diets containing 0 mg/kg bw (control); 1,500 mg/kw bw; 5,000 mg/kg bw; and 15,000 mg/kg bw of advantame for 4 weeks. Groups of 10 rats of each sex were examined at the end of treatment, as well as after a 30-day recovery period. No treatment-related effects were detected in the various immunological parameters examined, including lymphocyte counts, thymus weights, immunophenotyping of lymphocytes, and lymphocyte proliferation assay, in the study. Based on these data, we concluded that advantame did not produce any immunotoxic effects under the conditions of this study (Ref. 9).

3. Human Clinical Studies

The petitioner submitted four human clinical studies as part of the safety data for advantame to demonstrate tolerance of the sweetener in humans. The first clinical study was conducted to investigate the tolerability of advantame when administered orally to healthy adult males at dose levels of 0.1 mg/kg bw, 0.25 mg/kg bw, and 0.35 mg/kg bw. The study also investigated the pharmacokinetic profile of advantame in the same volunteers. We concluded that the oral administration of advantame was tolerable in healthy adult male subjects when administered as a single dose at each dose level without the occurrence of any treatment-related adverse events during a subsequent 7-day observation period (Ref. 10). Based on this study, we concluded that advantame is well tolerated in healthy human males.

The second clinical study was conducted to characterize the metabolic profile of advantame in urine and feces in human subjects. This study investigated the absorption, metabolism, and excretion of radiolabelled advantame after a single oral dose at 0.25 mg/kg bw in six healthy adult male volunteers. In this study, systemic absorption of advantame was reported to be in the range of 9 to 30 percent (Ref. 10). We concluded that data on the pharmacokinetic profile of advantame from this study, although limited, was useful in our evaluation of the safety of advantame. Based on this study, we have no safety concerns with the absorption, metabolism, or excretion of advantame as it was well tolerated in human subjects.

The third clinical study was conducted to investigate the tolerability of repeated daily consumption of a 30 mg dose of advantame (equivalent to 0.375 mg/kg bw/day to 0.5 mg/kg bw/day) over a period of 4 weeks using six healthy subjects of each sex. The study also included a placebo control group consisting of six healthy subjects of each sex that received diets without advantame. Based on results of the study, we concluded that, although there were apparent small differences in blood plasma values of the main metabolite of advantame, ANS9801-acid, the differences were not due to randomization procedures of the study and, instead, were reflective of within-subject variability inherent in the subjects of the study (Ref. 10). We concluded advantame was well tolerated in these subjects and that there were no safety concerns.

The fourth clinical study was conducted as a double blind, placebo-controlled study in diabetic subjects designed to investigate the tolerability of repeated daily consumption of a 30 mg dose (equivalent to 0.375 mg/kg bw/day to 0.5 mg/kg bw/day) of advantame fed daily for 12 weeks, using 18 diabetic subjects of each sex per group. Diabetic subjects in the placebo-controlled group received diets without advantame. Based on the results of this study, we noted that there were no clinically significant changes identified. We concluded that advantame was tolerated

at daily doses up to 0.5 mg/kg bw/day in people with type 2 diabetes.

We raised concerns about the experimental design (e.g., sample size and the randomization procedures) in some of the clinical studies (Ref. 10). However, overall, we ultimately concluded that advantame was well-tolerated in healthy males when fed a single dose of advantame at dose levels of 0.1 mg/kg bw/day to 0.5 mg/kg bw/day. The third and fourth clinical studies showed that advantame was tolerated in healthy males and females and type 2 diabetic males and females when repeatedly fed a dose of 0.375mg/kg bw/day to 0.5 mg/kg bw/day for 4 weeks. The doses administered in the third and fourth studies were approximately 3-fold higher than the EDI for consumers of all ages at the 90th percentile of consumption (Ref. 10).

Pharmacokinetic evaluations of advantame were conducted on blood plasma samples from the human subjects that received single and repeat dose administrations of advantame. Data from these analyses showed that advantame was undetectable in plasma samples 4 hours after its administration. The repeat dosing studies showed variation in the plasma levels of ANS9801-acid for some subjects. The significance of this variability could not be determined because of the small number of subjects examined. However, the variable ANS9801-acid levels were not associated with any clinically significant, treatment-related toxicity in these subjects.

Clinically significant treatment-related toxicities or adverse events were not noted in the advantame-treated groups in any of these clinical studies. Overall, the clinical studies showed that oral administration of advantame was tolerated in humans fed up to 30 mg per day (Ref. 10).

4. Critical Toxicology Studies

We reviewed all studies and supplemental information submitted by the petitioner. During our review, we determined that certain studies were more pivotal in supporting a regulatory decision on the petitioned uses of advantame. We based our determination on the experimental design of the studies as well as the types of the studies' endpoints. We gave greater weight to the studies that examined the reproductive and developmental effects, long-term exposure, chronic toxicity, carcinogenicity potential, and investigations of specific toxicological issues presented by these studies. The critical studies were: (1) A two-generation reproduction study in rats; (2) a chronic (52-week) dog study; (3) a 104-week mouse carcinogenicity study, and (4) a combined 104-week rat carcinogenicity feeding study with *in utero* and chronic (52-week) phases.

a. *Two-generation reproduction study in the rat.* Reproductive performance and fertility were assessed over two generations in rats fed diets containing advantame at levels of 2,000 ppm, 10,000 ppm, or 50,000 ppm. The parental rats received the advantame diet for 10 weeks before pairing and during mating. Parental and first generation female rats continued to receive the advantame treatment throughout gestation, lactation, and until death. A control group of rats received the untreated basal diet for the same period of time. The first generation contained 25 male and 25 females from each of the parent groups and received advantame at the same dietary concentrations as their parents throughout the study until termination. Direct treatment of the first generation rats began at 4 weeks of age for 10 weeks before pairing and mating for the second generation litters. The first generation continued treatment until termination after the second generation litters were weaned.

Under the conditions of this study, advantame administration to rats did not produce any effects on mortality, body weight, estrous cycle, sperm motility, mating, fertility, duration of gestation, outcome of parturition, litter size, sex ratio, pup birth weights, survivability of pups, motor activity of pups, organ weights, or histopathology in either generation. However, at the 50,000 ppm dose level, statistically significant increased feed consumption in the advantame treated rats compared to the control rats during the maturation phases (before pairing) of parental males and first generation males and females was reported. This increased feed consumption, in the absence of any effect on feed conversion efficiency and body weight gain, was not considered toxicologically significant (Refs. 4 and 11). Based upon the findings, we established a No Observed Adverse Effect Level (NOAEL) at the 50,000 ppm dose for advantame-treated rats in this study.

b. *Chronic (52-week) study in dogs.* Chronic toxicity of advantame was evaluated in beagle dogs that were fed diets containing advantame at levels of 0 ppm, 2,000 ppm, 10,000 ppm, and 50,000 ppm over a 52-week period using four dogs/per sex/per group. Two additional dogs per sex were assigned to each dose group as part of a 6-week recovery phase without advantame. This study was performed to evaluate systemic toxicity of advantame in non-rodent species. The only clinical sign related to advantame treatment was the observation of pale feces in all high-dose and some mid-dose dogs of both sexes. We established a NOAEL for this study at the 50,000 ppm dose of advantame, the highest dose tested, equivalent to 2,058 mg/kg bw/day in male dogs and 2,139 mg/kg bw/day in female dogs (Refs. 4 and 12). We also concluded that systemic toxicity in the test animals associated with advantame administration was not apparent.

c. *The 104-week mouse carcinogenicity study.* The carcinogenicity potential of advantame was evaluated in mice (64/sex/group). The mice were fed diets containing advantame at levels of 0 ppm, 2,000 ppm, 10,000 ppm, or 50,000 ppm for 104 weeks beginning when they were approximately 6 weeks old. One hundred seventy-three male and 177 female mice died or were euthanized at the point of near death over the study period. A statistically significant effect of treatment on the distribution of deaths in the various dosing groups compared to the controls was not reported. The study's authors noted that the high death rate was not altered by the administration of advantame and that no specific factors that contributed to this rate were greater in number in the experimental groups compared to the control groups.

We noted a low survival rate of the test animals, a common finding in 2-year bioassays using the CD–1 mouse, and a number of various clinical signs in both the control and treated mice (Ref. 13). Our evaluation of the mouse survival data revealed no evidence of premature deaths that were due to treatment and none of the findings indicated a proliferative response as the cause of early death in these mice. We considered the data available up to the 92-week observation period and determined that 25 or more surviving animals per group was adequate to evaluate the carcinogenic potential for advantame. We concluded that none of the clinical signs observed correlated consistently with a histomorphological diagnosis or were an indication of treatment-related toxicity (Ref. 14).

The Center for Food Safety and Applied Nutrition's Cancer Assessment Committee (CAC) evaluated data from the 104-week mouse study for the carcinogenic potential of advantame. The CAC concluded that oral administration of advantame at doses up to 50,000 ppm for 104 weeks did not produce any treatment-related tumors or any evidence of increased incidences of tumors in mice (Ref. 15). We established a NOEL for female mice of 10,000 ppm

advantame in the diet (based on decreased weight gain at 50,000 ppm) and a NOEL of 50,000 ppm advantame in the diet for male mice, equivalent to 5,693 mg/kg bw/day (Ref. 16).

d. *Combined 104-week rat carcinogenicity study with in utero phase and toxicity phase.* This study included three phases: (1) An *in utero* reproduction phase; (2) a 52-week chronic toxicity phase; and (3) a 104-week oral carcinogenicity phase. In each of the study phases, rats were fed diets containing advantame at levels of 2,000 ppm, 10,000 ppm, or 50,000 ppm. The control groups of rats received a similar diet without advantame for the same period of time. The *in utero* reproduction phase of this study was designed to generate and assess populations of rats that had been exposed to advantame prior to mating, during mating, and throughout gestation and lactation up to weaning and the start of the main chronic and carcinogenicity studies. Four-week-old offspring produced during the parent mating were used to populate the first generation that was subsequently used in the 104-week carcinogenicity study and in the 52-week chronic toxicity rat study. Offspring that did not meet the survival criteria or had abnormal bodyweights were not used, and where possible, the numbers of surviving offspring per litter were reduced by random selection to four males and four females per litter. Adult parent males were killed after mating; adult parent females were killed after litters were weaned. Body weights, feed consumption, and survival rates were evaluated in the parent rats. The abilities to mate and give birth also were evaluated in the parent rats. The numbers of offspring, sex ratios, and litter weights were recorded for the first generation offspring.

Results from the *in utero* phase of the rat study showed that: (1) Fertility, growth, and survival in the parent rats was unaffected by advantame treatment; (2) body weights and feed consumption in the treated parent groups were similar to that seen in the control rats; and (3) initial body weights of the first generation rats that were selected for either the carcinogenicity study or the 52-week toxicity study were not affected by exposure to advantame during preconception, *in utero,* or during weaning.

The chronic toxicity phase of this study consisted of three advantame treatment groups of first generation rats selected from the *in utero* study, with 20 of each sex per group. The rats were fed diets containing advantame at levels of 2,000 ppm, 10,000 ppm, and 50,000 ppm. A group of untreated first generation rats not exposed to advantame was selected to serve as controls for this 52-week phase of the study. An additional 10 rats of each sex were added to the control group and the 10,000 ppm and 50,000 ppm treatment groups to provide animals for a 6-week recovery phase without advantame following their initial advantame exposure period (week 0 to week 52).

The study's authors reported no effect of the administration of advantame on mortality, maternal body weight gain and feed consumption, fertility, or on the growth and survival of offspring during the *in utero* phase. (''*In utero,*'' in this context, refers to the exposure of the developing embryo-fetus within the womb (uterus) of the mother (Parental F0 females).) Two animals died during the course of the treatment phase. These deaths, however, were not dose related. One male in the high-dose group died during the recovery phase.

The CAC evaluated data from the 104-week rat carcinogenicity study for the carcinogenic potential of advantame. The CAC concluded that oral administration of advantame at doses up to 50,000 ppm for 104 weeks did not produce any treatment-related tumors or any evidence of increased incidences of tumors in rats (Ref. 15). We established a NOAEL for this study of 50,000 ppm advantame in the diet, equivalent to an achieved dose of 3,279 and 4,025 mg/kg bw/day in males and females, respectively (Ref. 16). We also concluded that advantame treatment did not result in an increased incidence of tumors in rats.

Based on our review of the previously mentioned critical studies, we concluded that there is no cause for concern regarding the carcinogenicity potential of advantame as proposed for its use as a non-nutritive sweetener and flavor enhancer in foods.

D. Estimating an Acceptable Daily Intake of Advantame

In determining an acceptable daily intake (ADI) for a new ingredient, we rely on a comprehensive evaluation of all relevant studies and information submitted by the petitioner. Four studies had the greatest impact in our reaching a safety decision. These studies are highlighted in table 1.

TABLE 1—SUMMARY OF STUDY DATA PERTINENT TO ESTABLISHING AN ACCEPTABLE DAILY INTAKE VALUE FOR ADVANTAME

Study	Dose range (ppm)	Pivotal [1] Endpoint	NOEL [2] (ppm)	NOAEL [3] (ppm)
Rat two-generation reproductive study	0, 2,000, 10,000, 50,000	ND	10,000	50,000
Dog 52-week study	0, 2,000, 10,000, 50,000	ND	10,000	50,000
Mouse 2-year bioassay	0, 2,000, 10,000, 50,000	ND	10,000	50,000
Rat 2-year bioassay with in utero and 1-year chronic phase.	0, 2,000, 10,000, 50,000	ND	10,000	50,000

[1] ND = None Detected.
[2] NOEL = No Observed Effect Level.
[3] NOAEL = No Observed Adverse Effect Level.

Based on our review of the studies summarized in table 1, we determined the most appropriate study for establishing an ADI for advantame was the combined 104-week rat carcinogenicity study with *in utero* and chronic (52-week) phases. This study was of sufficient length and overall complexity to produce information on chronic exposure, potential toxicity, and potential carcinogenicity of advantame. Therefore, the data from the 1-year chronic phase of this study was chosen to determine the ADI. The primary reasons for selecting it were its length (52-weeks) and the inclusion of a 6-week recovery phase (control, 10,000 ppm, and 50,000 ppm dose groups), the total number of animals in each dose group (20 animals of each sex per group for the chronic phase with 10 additional animals of each sex for groups in the recovery phase), and the high overall animal survival rate. In addition, the results from the 2-year phase showed no indication that advantame is carcinogenic.

Based on the NOAEL for the 1-year chronic toxicity study, we concluded that the appropriate ADI for advantame is 1,970 mg/p/d (Ref. 4). This level is significantly higher than the EDI for advantame of 10 mg/p/d for humans of all ages at the 90th percentile.

III. Comments

We received two comments in response to the advantame food additive petition. One comment merely expressed support for the petitioned use of advantame, providing that safety is shown and the substance is properly declared when used as an ingredient in food. The other comment stated that they did not object to the petition, but rather to the use of advantame as a flavoring substance in food prior to a premarket approval for use as a sweetener and flavor enhancer without declaring advantame as an ingredient on the food label. Because this comment is not relevant to the safety of advantame, it has no bearing on our evaluation of the advantame petition.

IV. Conclusion

We have evaluated the data and other information submitted by the petitioner in support of the safe use of advantame as a general-purpose sweetener and flavor enhancer in food and conclude that there is a reasonable certainty that the substance is not harmful under the petitioned conditions of use. Therefore, we conclude that the food additive regulations should be amended as set forth in this document.

V. Public Disclosure

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 171.1(h), we will delete from the documents any materials that are not available for public disclosure.

VI. Environmental Impact

We have carefully considered the potential environmental effects of this action and have concluded that it will not have a significant impact on the human environment, and that an environmental impact statement is not required. FDA's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Division of Dockets Management (see **ADDRESSES**) between 9 a.m. and 4 p.m., Monday through Friday.

VII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VIII. Section 301(*ll*) of the FD&C Act

Our review of this petition was limited to section 409 of the FD&C Act. This final rule is not a statement regarding compliance with other sections of the FD&C Act. For example, the Food and Drug Administration Amendments Act of 2007, which was signed into law on September 27, 2007, amended the FD&C Act to, among other things, add section 301(*ll*) of the FD&C Act (21 U.S.C. 331(*ll*)). Section 301(*ll*) of the FD&C Act prohibits the introduction or delivery for introduction into interstate commerce of any food that contains a drug approved under section 505 of the FD&C Act (21 U.S.C. 355), a biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or a drug or biological product for which substantial clinical investigations have been instituted and their existence has been made public, unless one of the exemptions in section 301(*ll*)(1) to (*ll*)(4) of the FD&C Act applies. In our review of this petition, we did not consider whether section 301(*ll*) of the FD&C Act or any of its exemptions apply to food products containing this food additive. Accordingly, this final rule should not be construed to be a statement that a product containing this food additive, if introduced or delivered for introduction into interstate commerce, would not violate section 301(*ll*) of the FD&C Act. Furthermore, this language is included in all food additive final rules that pertain to food and therefore should not be construed to be a statement of the likelihood that section 301(*ll*) of the FD&C Act applies.

IX. Objections

If you will be adversely affected by one or more provisions of this regulation, you may file with the Division of Dockets Management (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

It is only necessary to send one set of documents. Identify documents with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation 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.*

X. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.*

1. Memorandum from H. Lee, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, July 28, 2009.
2. Memorandum from H. Lee, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, December 26, 2012.
3. Memorandum from H. Lee, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, November 24, 2009.
4. Memorandum from T. S. Thurmond, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, May 14, 2013.
5. Memorandum from W. Roth, Division of Food Contact Notification, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, January 22, 2013.
6. Memorandum from T. Walker, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, December 8, 2011.
7. Memorandum from S.K. Park, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, April 18, 2011.
8. Memorandum from S. Francke-Carroll and S. Mog, Senior Science and Policy Staff, CFSAN, FDA to T.S. Thurmond, S.K. Park, and C. Whiteside, Division of Petition Review, CFSAN, FDA, March 17, 2011.
9. Memorandum from S. Francke-Carroll and S. Mog, Senior Science and Policy Staff, CFSAN, FDA to C. Whiteside, T.S. Thurmond, and S.K. Park, Division of Petition Review, CFSAN, FDA, March 1, 2013.
10. Memorandum from C. Whiteside, Division of Petition Review, CFSAN,

FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, February 7, 2013.
11. Memorandum from A. Khan, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, June 22, 2010.
12. Memorandum from T. Walker, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, December 27, 2011.
13. Memorandum from I. Chen, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, May 24, 2010.
14. Memorandum from S. Francke-Carroll and S. Mog, Senior Science and Policy Staff, CFSAN, FDA to C. Whiteside and A. Khan, Division of Petition Review, CFSAN, FDA, March 17, 2011.
15. Memorandum from A. Khan, Division of Petition Review, CFSAN, FDA to F. Ellison, Division of Petition Review, CFSAN, FDA, March 3, 2012.
16. CFSAN Cancer Assessment Committee Full Committee Review, Carcinogenicity Evaluation of Advantame, April 27, 2012.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

■ 1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

■ 2. Add § 172.803 to subpart I to read as follows:

§ 172.803 Advantame.

(a) Advantame is the chemical *N*-[*N*-[3-(3-hydroxy-4-methoxyphenyl)propyl]-α-aspartyl]-L-phenylalanine 1-methyl ester, monohydrate (CAS Reg. No. 714229–20–6).

(b) Advantame meets the following specifications when it is tested according to the methods described or referenced in the document entitled ''Specifications and Analytical Methods for Advantame'' dated April 1, 2009, by the Ajinomoto Co. Inc., Sweetener Department 15–1, Kyobashi 1-chome, Chuo-ku, Tokyo 104–8315, Japan. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Office of Food Additive Safety (HFS–200), Center for Food Safety and Applied Nutrition, 5100 Paint Branch Pkwy., College Park, MD 20740. Copies may be examined at the Food and Drug Administration's Main Library, 10903 New Hampshire Ave., Bldg. 2, Third Floor, Silver Spring, MD 20993, 301–796–2039, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

(1) Assay for advantame, not less than 97.0 percent and not more than 102.0 percent on a dry basis.

(2) Free *N*-[*N*-[3-(3-hydroxy-4-methoxyphenyl)propyl]-α-aspartyl]-L-phenylalanine, not more than 1.0 percent.

(3) Total other related substances, not more than 1.5 percent.

(4) Lead, not more than 1.0 milligram per kilogram.

(5) Water, not more than 5.0 percent.

(6) Residue on ignition, not more than 0.2 percent.

(7) Specific rotation, determined at 20 °C $[\alpha]_D$: -45.0 to $-38.0°$ calculated on a dry basis.

(c) The food additive advantame may be safely used as a sweetening agent and flavor enhancer in foods generally, except in meat and poultry, in accordance with current good manufacturing practice, in an amount not to exceed that reasonably required to achieve the intended technical effect, in foods for which standards of identity established under section 401 of the Federal Food, Drug, and Cosmetic Act do not preclude such use.

(d) If the food containing the additive purports to be or is represented to be for special dietary use, it must be labeled in compliance with part 105 of this chapter.

Dated: May 15, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–11584 Filed 5–19–14; 11:15 am]

BILLING CODE 4160–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2012–OS–0105]

RIN 0720–AB58

32 CFR Part 199

TRICARE Revision to CHAMPUS DRG-Based Payment System, Pricing of Hospital Claims

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Final rule.

SUMMARY: This Final rule changes TRICARE's current regulatory provision for inpatient hospital claims priced under the DRG-based payment system. Claims are currently priced by using the rates and weights that are in effect on a beneficiary's date of admission. This Final rule changes that provision to price such claims by using the rates and weights that are in effect on a beneficiary's date of discharge.

DATES:

Effective Date: This Final rule is effective June 20, 2014.

Applicability Date: This rule applies to claims with a discharge date of October 1, 2014, or later from hospitals paid by TRICARE under the Inpatient Prospective Payment System/Diagnosis-Related Groups-based payment system.

FOR FURTHER INFORMATION CONTACT: Ms. Amber Butterfield, TRICARE Management Activity, Medical Benefits and Reimbursement Office, telephone (303) 676–3565.

SUPPLEMENTARY INFORMATION:

I. Dates

The effective date above is the date that the policies herein take effect and are considered to be officially adopted. The applicability date, which is different than the effective date, is the date on which the policies adopted in this rule shall apply to claims from hospitals paid by TRICARE under the Inpatient Prospective Payment System/Diagnosis-Related Groups-based payment system, and must be implemented.

II. Executive Summary and Overview

A. Purpose of the Final Rule

1. Need for the Regulatory Action

This Final rule amends the TRICARE/CHAMPUS regulatory provision (32 CFR 199.14(a)(1)(i)(C)(3)) of pricing inpatient hospital claims that are reimbursed under the DRG-based payment system from the beneficiary's date of admission, to pricing such

claims based on the beneficiary's date of discharge.

The TRICARE/CHAMPUS DRG-based payment system applies to acute care hospitals, unless such hospital is exempt by regulation from the payment system. Under the TRICARE DRG-based payment system, payment for the operating costs of inpatient hospital services subject to the payment system is made on the basis of prospectively determined rates.

The TRICARE DRG-based payment system is modeled on the Medicare Inpatient Prospective Payment System (IPPS). Although many of the procedures in the TRICARE DRG-based payment system are similar or identical to the procedures in the Medicare IPPS, the actual payment amounts, DRG weights, and certain procedures are different. This is necessary because of the differences in the two programs, especially in the beneficiary population.

Since the inception of the TRICARE DRG-based payment system in 1987, claims have been priced after the beneficiary's discharge by the hospital, but using the weights and rates that were in effect on the beneficiary's date of admission. That is, claims submitted for the beneficiary's inpatient stay have been grouped to a specific DRG, and the pricing (e.g., payment rate) has been determined by using the weights and rates that were in effect on the date of the beneficiary's admission to the hospital.

B. Summary of the Major Provisions of the Final Rule

The major provision of this rule is to revise TRICARE's regulation on the pricing of claims paid under the DRG-based payment system. Claims are currently priced by using the rates and weights that are in effect on a beneficiary's date of admission. This rule changes that provision to price such claims by using the rates and weights that are in effect on a beneficiary's date of discharge. The change shall apply to claims with a discharge date of October 1, 2014, or later from hospitals paid by TRICARE under the Inpatient Prospective Payment System/Diagnosis-Related Groups-based payment system.

C. Costs and Benefits

The benefits of this change include aligning TRICARE pricing of hospital claims practices with industry standards utilized by Medicare and other payers and thereby increasing standardization of claims administration and other claims related processes for contractors who adjudicate claims.

There are known costs associated with this change. On May 27, 2011, Kennell and Associates completed an Independent Government Cost Estimate (''May 27, 2011, IGCE'') analyzing the costs associated with the shift of pricing DRG claims from the date of admission to the date of discharge. The May 27, 2011, IGCE, identified three known costs.

1. One time information technology costs associated with changes to Managed Care Support Contractors' claims processing systems and one time administrative costs associated with the review change order and the assessment of the impact on Claims Operations, Customer Service, Provider Administration, and Contracts Maintenance. The total one time information technology and administrative costs for North, South, West and TDEFIC Managed Care Support Contractors' combined is estimated at $88,208.

2. An annual cost of reprocessing interim claims of $2,500.

3. An increase in health care costs to account for using the weights and rates in place on the date of discharge. The May 27, 2011, IGCE, using 2009 claims data, estimated about 1,200 inpatient claims will span fiscal years. Consequently, reimbursing using the updated weights and rates in place for the discharges in future fiscal years is expected to increase the payment for approximately 1,200 claims with an estimated additional cost of $500,000 annually.

4. Total costs for this change for Fiscal Year 2015 equal approximately $600,000.

III. Background

A. Statutory and Regulatory Overview

Sections 1073 and 1079 of title 10, United States Code (U.S.C.), authorize the Secretary of Defense to administer the medical and dental benefits provided under chapter 55 of title 10, and contract for medical care for specified persons. These sections and other provisions of 10 U.S.C. chapter 55 authorize promulgation of this Final rule.

The August 31, 1988, Final rule [53 FR 33461] (the ''August 1988 Final rule'') published in the **Federal Register** explains TRICARE's current practice of utilizing the date of admission to price claims. Using the date of admission to price claims allowed hospitals to be reimbursed for inpatient services under the same payment methodology they expected to be used when the patient was admitted. Prior to implementation of the DRG-based payment system, the hospital could expect to be reimbursed at the billed charge rate, since that was the method TRICARE used to reimburse hospitals at that time. For patients admitted after implementation of the DRG-based payment system, the hospital could expect to be reimbursed using the DRG-based payment system.

The August 1988 Final rule continues by stating that since certain services were previously excluded from the DRG-based system, but may have already involved an interim bill prior to the effective date of the August 1988 Final rule, it would be administratively difficult and fiscally unfair to hospitals to attempt to reconcile the total payments with the DRG-based allowed amounts. As a result of the analysis at the time, the provision stated, ''except for interim claims submitted for qualifying outlier cases, all claims reimbursed under the CHAMPUS DRG-based payment system are to be priced as of the date of admission, regardless of when the claim is submitted.'' While there may have been a need to reference interim claims when the August 1988 Final rule was written and as we transition from ''billed'' charges to the DRG-based payment method, that is no longer the case. Consequently, the interim claims reference has been deleted.

B. Updating the Pricing Approach

In the early stages of the DRG-based payment system, the approach of pricing claims based on the date of the beneficiary's admission to the hospital was an effective operational policy for TRICARE. At the time TRICARE adopted the DRG-based payment system, it was the first prospective payment system of its kind. TRICARE decided to use the date of admission to price claims, allowing hospitals to be reimbursed for inpatient services under the same payment methodology they expected to be used when the patient was admitted. However, this is no longer the industry standard. Consequently, in order to be consistent with industry standards utilized by Medicare and other payers, TRICARE policy shall require all final claims to be priced based on the rates and weights that are in effect on a beneficiary's date of discharge.

While pricing using the date of discharge applies to all final claims, the change in approach will result in different pricing only for those relatively few claims that span fiscal years (FYs). That is, currently if an admission occurs on September 29 of a fiscal year (e.g., FY 2013) and the discharge occurs for example on October 2 of the subsequent fiscal year

(e.g., FY2014) the payment rate is based upon the DRG rates and weights in effect on September 29, 2013, or the prior fiscal year (FY2013), rather than on October 2, 2013, (FY2014). On and after this rule's applicability date, if an admission occurs for instance on September 29 of a fiscal year (e.g., FY2014) and the discharge occurs on October 1, 2014, or later (i.e., FY2015) the claim will be priced using the rates and weights in place on the date of discharge (e.g., FY2015). Please note that the rates and weights for the DRG-based payment system are updated every fiscal year and are based on the previous fiscal year's TRICARE claims data. As a result, the applicability date of October 1, 2014, is established to coincide with the next annual payment system update.

To improve consistency with other payers for health care services and reduce any administrative burden on providers, we are therefore changing our regulations to provide that all claims reimbursed on the DRG-based payment system will be priced as of the date of discharge starting with discharges dated October 1, 2014, or later.

IV. Public Comments

The proposed rule was published in the **Federal Register** (78 FR 10579–10581) on February 14, 2013, for a 60-day public comment period. We received one comment from one respondent.

Comment: Billing and adjustments for a hospital stay are completed on the last day.

Response: We interpret the commenter's statement as acknowledging that billing and adjustments for a patient's hospital stay are typically performed after the patient has been discharged. Consequently pricing an inpatient stay according to the weights and rates on the date of discharge is appropriate and desirable. We agree with the commenter's statement. Beginning with discharges that occur on or after October 1, 2014, the pricing of TRICARE inpatient claims reimbursed under the DRG methodology will be based on the weights and rates that are in effect on the date of discharge.

We will monitor discharge patterns and lengths of stay following this revision and may take additional regulatory action if we observe any unintended adverse consequences due to calculating payments for claims based on the rates and weights on the date of discharge as opposed to admission.

V. Regulatory Procedures

A. Overall Impact

DoD has examined the impacts of this Final rule as required by Executive Orders (E.O.s) 12866 (September 1993, Regulatory Planning and Review) and 13563 (January 18, 2011, Improving Regulation and Regulatory Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and the Congressional Review Act (5 U.S.C. 804(2)).

1. Executive Order 12866 and Executive Order 13563

Section 801 of title 5, United States Code, and Executive Order (E.O.) 12866 require certain regulatory assessments and procedures for any major rule or significant regulatory action, defined as one that would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. It has been certified that this rule is not economically significant, and has been reviewed by the Office of Management and Budget as required under the provisions of E.O. 12866 and E.O. 13563.

2. Congressional Review Act. 5 U.S.C. 801

Under the Congressional Review Act, a major rule may not take effect until at least 60 days after submission to Congress of a report regarding the rule. A major rule is one that would have an annual effect on the economy of $100 million or more or have certain other impacts. This Final rule is not a major rule under the Congressional Review Act.

3. Public Law 96–354, ''Regulatory Flexibility Act'' (RFA) (5 U.S.C. 601)

Public Law 96–354, ''Regulatory Flexibility Act'' (RFA) (5 U.S.C. 601), requires that each Federal agency prepare a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities. This Final rule is not an economically significant regulatory action, and it has been certified that it will not have a significant impact on a substantial number of small entities. Therefore, this Final rule is not subject to the requirements of the RFA.

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

Section 202 of Public Law 104–4, ''Unfunded Mandates Reform Act,'' requires that an analysis be performed to determine whether any federal mandate may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of $100 million in any one year. It has been certified that this Final rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year, and thus this Final rule is not subject to this requirement.

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

This rule does not contain a ''collection of information'' requirement, and will not impose additional information collection requirements on the public under Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35).

6. Executive Order 13132, ''Federalism''

E.O. 13132, ''Federalism,'' requires that an impact analysis be performed to determine whether the rule has federalism implications that would 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. It has been certified that this Final rule does not have federalism implications, as set forth in E.O. 13132.

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

■ 2. Section 199.14 is amended by revising paragraph (a)(1)(i)(C)(*3*) to read as follows:

§ 199.14 Provider reimbursement methods.

(a) * * *
(1) * * *
(i) * * *
(C) * * *
(*3*) *Pricing of claims.* All final claims with discharge dates of September 30,

2014, or earlier that are reimbursed under the CHAMPUS DRG-based payment system are to be priced as of the date of admission, regardless of when the claim is submitted. All final claims with discharge dates of October 1, 2014, or later that are reimbursed under the CHAMPUS DRG-based payment system are to be priced as of the date of discharge.

* * * * *

Dated: May 12, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–11194 Filed 5–20–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0250]

RIN 1625–AA08

Special Local Regulation; Jones Beach Air Show; Atlantic Ocean, Sloop Channel Through East Bay, and Zach's Bay; Wantagh, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the navigable waters of the Atlantic Ocean, Sloop Channel through East Bay and Zach's Bay near Jones Beach State Park in Wantagh, NY for the Jones Beach Air Show. This action is necessary to provide for the safety of life of event participants, spectators, and other waterway users during this event. The special local regulation will facilitate public notification of the event and provide protective measures for the maritime public and event participants from the hazards associated with the Jones Beach Air Show. Entering into, transiting through, remaining, or anchoring within these regulated areas would be prohibited unless authorized by the captain of the Port (COTP) Sector Long Island Sound.

DATES: This rule is effective from May 23, 2014 to May 25, 2014.

This rule will be enforced from 9 a.m. to 3:30 p.m. on May 23, 2014, and from 9 a.m. to 9 p.m. beginning May 24, 2014 through May 25, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0250]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Scott Baumgartner, Prevention Department, Coast Guard Sector Long Island Sound, (203) 468–4559, *Scott.A.Baumgartner@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On May 24, 2013, the Coast Guard published a Final Rule, entitled, ''Safety Zones and Special Local Regulations; Recurring Marine Events in Captain of the Port Long Island Sound Zone'' in the **Federal Register** (78 FR 31402). This rulemaking established multiple safety zones and special local regulations throughout the Captain of the Port Sector Long Island Sound Zone including a safety zone for the Jones Beach Air Show. This final rule was preceded by a NPRM entitled, ''Safety Zones and Special Local Regulations; Recurring Marine Events in Captain of the Port Long Island Sound Zone'' that was published in the **Federal Register** (78 FR 20277). No public comments were received for this proposed rulemaking. There were no requests received for a public meeting and none were held.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because an NPRM would be impracticable. Since the Jones Beach Air Show is scheduled to take place over three days beginning May 23, 2014 through May 25, 2014, it is impracticable to draft, publish, and receive public comment on this rulemaking via an NPRM and still publish a final rule before the event is scheduled to take place. Delaying this rulemaking by waiting for a comment period to run would also reduce the Coast Guard's ability to promote the safety of event participants and the maritime public during this event.

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

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1233 and Department of Homeland Security Delegation No. 0170.1 which collectively authorize the Coast Guard to define regulatory special local regulations.

The Jones Beach Air Show will take place from May 23, 2014 through May 25, 2014. The first day of the event, May 23, 2014 the Jones Beach Air Show will not be open to the general public but aircraft involved in the event will be conducting practice runs over the Atlantic Ocean. On Saturday, May 24, 2014 and Sunday, May 25, 2014 the Air Show will be open and operating from 10 a.m. through 3 p.m. The event will involve numerous aircraft performing various aerial maneuvers. These aircraft and associated event participants will be operating at high speeds and/or in close proximity to other event participants and spectators. These aerial activities present multiple hazards, including those associated with in-flight accidents that could result in collision, fire, and debris fall-out. The Jones Beach Air show and these aerial activities attract thousands of spectators to Jones Beach State Park as well as a significant number of spectator vessels to the waters around Jones Beach State Park. The operation of these numerous spectator vessels in such close proximity to each other presents additional hazards to the maritime public beyond those associated with the aerial activities.

During a review of the regulations currently published for the Jones Beach Air Show in Table 1 of 33 CFR 165.151 the Coast Guard discovered that the positions marking the corners of the area regulated as a safety zone were published out of order and when

followed as published did not include all waters of the Atlantic Ocean that were meant to be covered by the safety zone. To address this discrepancy the Coast Guard is establishing a No Entry area within this special local regulation using the correct order and positions.

Furthermore, the Coast Guard also determined that adding two additional regulated areas would improve the safety of the maritime public. The additional regulated areas will be enforced after the conclusion of each day's activities at the Jones Beach Air Show. The first measure establishes speed restrictions for all vessels operating on the waters between the Meadowbrook State Parkway and the Wantagh State Parkway to be enforced from 3 p.m. to 9 p.m. on May 24, 2014 and May 25, 2014. The area between the two parkways covers all and/or portions of several navigable waterways including but not limited to; Sloop Channel, Haunts Creek, Broad Creek Channel, Wantagh Park Channel, Race Horse Channel, Merrick Bay, and East Bay. The Jones Beach Air Show attracts many spectators and spectator vessels and the mass exodus of these vessels and spectators from the Jones Beach area at the end of each day's Air Show related activities creates hazardous conditions within the aforementioned area. The hazardous conditions include vessel congestion and vessels operating at high speeds on the waters between the Meadowbrook State Parkway and the Wantagh State Parkway.

C. Discussion of the Final Rule

This temporary rule establishes a special local regulation to ensure the safety of spectators and vessels from hazards associated with the Jones Beach Air Show. Establishing a special local regulation around the location of this event will help ensure the safety of spectators, vessels and other property and help minimize the associated risks to the maritime public.

The COTP Sector Long Island Sound has determined that these hazards pose a danger to the maritime public. This special local regulation will temporary regulate three areas around the Jones Beach Air Show, including portions of the Atlantic Ocean, the navigable waters between Meadowbrook State Parkway and the Wantagh State Parkway, and Zach's Bay. The Coast Guard is setting up three types of areas to address the safety concerns:

(1) *No Entry Area:* This is the area of the Atlantic Ocean over which aircraft associated with the Jones Beach Air Show are performing aerial maneuvers. This area is for the exclusive use of registered event participants, safety, support, and official vessels during periods of enforcement.

(2) *Slow/No Wake Area:* This area includes the navigable waters between Meadowbrook State Parkway and Wantagh State Parkway. All vessels in this area will operate at ''No Wake'' speed or up to 6 knots, whichever is slower, during periods of enforcement

(3) *No Southbound Traffic Area:* This area includes all waters of Zach's Bay. No southbound vessel traffic will be allowed into or within this area during periods of enforcement.

To address the risks associated with this event, the special local regulation establishes the navigable waters between the Meadowbrook State Parkway and the Wantagh State Parkway as a Slow/No Wake area and restricts vessel movement to no wake speed or 6 knots, whichever is slower, during the period of enforcement.

The second measure establishes a regulated area that would restrict southbound traffic into and within Zach's Bay from 3 p.m. to 9 p.m. during each day of the Jones Beach Air Show. Zach's Bay is a small protected bay in close proximity to Jones Beach State Park and the Jones Beach Air Show. Consequently, it is one of the most congested areas for vessel traffic during the Jones Beach Air Show. The large number of vessels departing Zach's Bay at the conclusion of each day's activities creates hazardous conditions in the form of heavily congested waters. These conditions are especially hazardous for any vessels attempting to navigate in the southbound direction and against the flow of the main vessel traffic. To address this hazard the special local regulation establishes all waters of Zach's Bay as a No Southbound Traffic area and restricts all vessel movement to the outbound or northbound direction during the period of enforcement.

The geographic locations of these regulated areas and the specific requirements of this rule are contained in the regulatory text. This regulation prevents vessels from entering, transiting, remaining, or anchoring within the area designated as the ''No Entry Area'' during the periods of enforcement unless authorized by the COTP or designated representative. This regulation also partially restricts movement within the ''Slow/No Wake Area'' and the ''No Southbound Traffic Area'' unless authorized by the COTP or designated representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The Coast Guard determined that this rulemaking is not a significant regulatory action for the following reasons: The regulated areas are of limited size and duration and persons or vessels requiring entry into the regulated areas or requesting a deviance from the stipulations of the regulated areas may be authorized to do so by the COTP Sector Long Island Sound or designated representative. Also vessels not requesting or not receiving authorization to enter, transit through, anchor in, or remain within the regulated areas may navigate in all other portions of the waterways not designated as regulated areas.

Advanced public notifications will also be made to local mariners through appropriate means, which may include but are not limited to the Local Notice to Mariners as well as Broadcast Notice to Mariners.

2. Impact on Small Entities

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

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit, anchor or moor within the regulated areas during the periods of enforcement from May 23, 2014 to May 25, 2014. The ''No Entry Area'' will be enforced each day from 9 a.m. to 3:30 p.m. beginning May 23, 2014 through May 25, 2014. The ''Slow/No Wake Area'' and the ''No Southbound Traffic Area'' will be

enforced from 3 p.m. to 9 p.m. on May 24, 2014 and May 25, 2014.

This temporary special local regulation will not have a significant economic impact on a substantial number of small entities for the following reasons: The regulated areas are of short duration, vessels that can safely do so may navigate in all other portions of the waterways except for the areas designated as regulated areas, vessels can operate within the regulated area provided they do so in accordance with the regulation, and vessels requiring entry into the regulated areas may be authorized to do so by the COTP Sector Long Island Sound or designated representative. Additionally, before the effective period, public notifications will be made to local mariners through appropriate means, which may include but are not limited to the Local Notice to Mariners as well as Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233

■ 2. Add § 100.35T01–0250 to read as follows:

§ 100.35T01–0250 Special Local Regulation; Jones Beach Air Show; Atlantic Ocean, Sloop Channel through East Bay, and Zach's Bay; Wantagh, NY

(a) *Regulated Areas.* All coordinates are North American Datum 1983 (NAD 83).

(1) *No Entry Area.*Waters of the Atlantic Ocean off Jones Beach State Park, Wantagh, NY contained within the following described area; Beginning in approximate position 40°34′54″ N, 073°33′21″ W, then running east along the shoreline of Jones Beach State Park to approximate position 40°35′53″ N, 073°28′48″ W; then running south to a position in the Atlantic Ocean off of Jones Beach at approximate position 40°35′05″ N, 073°28′34″ W; then running West to approximate position 40°33′15″ N, 073°33′09″ W; then running North to the point of origin.

(2) *Slow/No Wake Area.* All navigable waters between Meadowbrook State Parkway and Wantagh State Parkway and contained within the following area. Beginning in approximate position 40°35′49.01″ N 73°32′33.63″ W then north along the Meadowbrook State Parkway to its intersection with Merrick Road in approximate position 40°39′14.00″ N 73°34′00.76″ W then east along Merrick Road to its intersection with Wantagh State Parkway in approximate position 40°39′51.32″ N 73°30′43.36″ W then south along the Wantagh State Parkway to its intersection with Ocean Parkway in approximate position 40°35′47.30″ N 73°30′29.17″ W then west along Ocean Parkway to its intersection with Meadowbrook State Parkway at the point of origin in approximate position 40°35′49.01″ N 73°32′33.63″ W.

(3) *No Southbound Traffic Area.* All navigable waters of Zach's Bay south of the line connecting a point near the western entrance to Zach's Bay in approximate position 40°36′29.20″ N, 073°29′22.88″ W and a point near the eastern entrance of Zach's Bay in approximate position 40°36′16.53″ N, 073°28′57.26″ W.

(b) *Special Local Regulations.* (1) In accordance with the general regulations found in section 100.35 of this part, entering into, transiting through, anchoring or remaining within the regulated areas is prohibited unless authorized by the Captain of the Port (COTP) Sector Long Island Sound, or designated representative.

(2) The following persons and vessels are authorized by the COTP Sector Long Island Sound to enter areas of this special local regulation:

(i) *No Entry Area.* Registered event participants, safety, support, and official vessels.

(ii) *Slow/No Wake Area.* Spectator vessels may transit within the ''Slow/No Wake Area'' at no wake speed or 6 knots, whichever is slower.

(iii) *No Southbound Traffic Area.* Spectator vessels may transit the ''No Southbound Traffic Area'' in the northbound direction or outbound direction.

(3) All persons and vessels shall comply with the instructions of the COTP Sector Long Island Sound or designated representative.

(4) Spectators desiring to enter the ''No Entry Area'' must contact the COTP Sector Long Island Sound by telephone at (203)–468–4401, or designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the COTP Sector Long Island Sound or designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Sector Long Island Sound or designated representative.

(5) Spectators desiring to operate within the ''Slow/No Wake Area'' or ''No Southbound Traffic Area'' outside the stipulations for those regulated areas must contact the COTP Sector Long Island Sound by telephone at (203)–468–4401, or designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, remain within, or deviate from the stipulations of the regulated areas is granted by the COTP Sector Long Island Sound or designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Sector Long Island Sound or designated representative.

(6) The Coast Guard will provide notice of the regulated areas prior to the event through appropriate means, which may include but is not limited to the Local Notice to Mariners and Broadcast Notice to Mariners.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound (LIS), to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP Sector Long Island Sound.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants, safety, support, or official patrol vessels.

(d) *Enforcement Period.* (1) The ''No Entry Area'' will be enforced each day from 9:00a.m. to 3:30 p.m. from May 23, 2014 to May 25, 2014.

(2) The ''Slow/No Wake Area'' and the ''No Southbound Traffic Area'' will be enforced each day from 3:00 p.m. to 9:00 p.m. from May 24, 2014 to May 25, 2014.

Dated: May 7, 2014.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2014–11563 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2012–1036]

Safety Zones & Special Local Regulations; Recurring Marine Events in Captain of the Port Long Island Sound Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce one special local regulation for a regatta and 31 safety zones for fireworks displays in the Sector Long Island Sound area of responsibility on the dates and times listed in the tables below. This action is necessary to provide for the safety of life on navigable waterways during the events. During the enforcement periods, no person or vessel may enter the regulated area or safety zones without permission of the Captain of the Port (COTP) Sector Long Island Sound or designated representative.

DATES: The regulations in 33 CFR 100.100 and 33 CFR 165.151 will be enforced from June 7, 2014, to August 30, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Scott Baumgartner, Waterways Management Division, U.S. Coast Guard Sector Long Island Sound; telephone 203–468–4559, email *Scott.A.Baumgartner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation listed in 33 CFR 100.100 and the safety zones listed in 33 CFR 165.151 on the specified dates and times as indicated in the Tables below. If the

event is delayed by inclement weather, the regulation will be enforced on the rain date indicated in the Tables above. These regulations were published in the **Federal Register** on May 24, 2013 (78 FR 31402).

TABLE 1 TO § 100.100

6.1 Harvard-Yale Regatta, Thames River, New London, CT	• Event type: Boat Race. • Date: June 7, 2014. • Rain Date: June 8, 2014. • Time: 1:15 p.m. to 5:15 p.m. • Location: All waters of the Thames River at New London, Connecticut, between the Penn Central Draw Bridge 41°21′46.94″ N, 072°5′14.46″ W to Bartlett Cove 41°25′35.9″ N, 072°5′42.89″ W (NAD 83).

TABLE 1 TO § 165.151

6	June
6.1 Barnum Festival Fireworks	• Date: June 27, 2014. • Rain Date: June 29, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Bridgeport Harbor, Bridgeport, CT within 800 feet of the fireworks launch site located in approximate position 41°09′34″ N, 073°11′18″ W (NAD 83).
6.2 Town of Branford Fireworks	• Date: June 21, 2014. • Rain Date: June 22, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of Branford Harbor, Branford, CT within 600 feet of the fireworks launch site located in approximate position 41°15′37″ N, 072°49′15″ W (NAD 83).
6.3 Vietnam Veterans/Town of East Haven Fireworks	• Date: June 28, 2014. • Rain Date: June 30, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters off Cosey beach, East Haven, CT within 800 feet of the fireworks barge located in approximate position 41°14′36.94″ N, 072°52′05.04″ W (NAD 83).
6.5 Cherry Grove Arts Project Fireworks	• Date: June 7, 2014. • Rain Date: June 8, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Great South Bay off Cherry Grove, NY within 600 feet of the fireworks barge located in approximate position 40°39′49.06 ″ N, 073°05′27.99″ W (NAD 83).
7	July
7.1 Point O'Woods Fire Company Summer Fireworks	• Date: July 4, 2014. • Rain Date: July 5, 2014. • Time: 9 p.m. to 11 p.m. • Location: Waters of the Great South Bay, near Point O'Woods, NY within 800 feet of the fireworks barge located in approximate position 40°39′27.28″ N, 073°08′20.98″ W (NAD 83).
7.4 Norwalk Fireworks	• Date: July 3, 2014. • Rain Date: July 5, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Calf Pasture Beach, Norwalk, CT within 1000 feet of the fireworks barge located in approximate position 41°04′42.87″ N, 073°23′31.73″ W (NAD 83).
7.5 Lawrence Beach Club Fireworks	• Date: July 3, 2014. • Rain Date: July 5, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of the Atlantic Ocean off Lawrence Beach Club, Atlantic Beach, NY within 800 feet of the fireworks barge located in approximate position 40°34′42.65″ N, 073°42′56.02″ W (NAD 83).
7.6 Sag Harbor Fireworks	• Date: July 5, 2014. • Rain Date: July 6, 2014. • Time: 8:30 p.m. to 10:30 p.m.

TABLE 1 TO § 165.151—Continued

	• Location: Waters of Sag Harbor Bay off Havens Beach, Sag Harbor, NY within 600 feet of the fireworks barge located in approximate position 41°00′25.86″ N, 072°17′16.88″ W (NAD 83).
7.7 South Hampton Fresh Air Home Fireworks	• Date: July 4, 2014. • Rain Date: July 6, 2014. • Time: 8:30 p.m. to 11 p.m. • Location: Waters of Shinnecock bay, Southampton, NY within 600 feet of the fireworks barge located in approximate position 40°51′49.14″ N, 072°26′31.48″ W (NAD 83).
7.8 Westport Police Athletic league Fireworks	• Date: July 3, 2014. • Rain Date: July 7, 2014. • Time: 8:30 p.m. to 11 p.m. • Location: Waters off Compo Beach, Westport, CT within 800 feet of the fireworks barge located in approximate position, 41°06′14.83″ N, 073°20′56.52″ W (NAD 83).
7.9 City of Middletown Fireworks	• Date: July 3, 2014. • Rain date: July 5, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of the Connecticut River, Middletown Harbor, Middletown, CT within 600 feet of the fireworks barges located in approximate position 41°33′47.50″ N, 072°38′38.39″ W (NAD 83).
7.11 City of Norwich July Fireworks	• Date: July 4, 2014. • Rain date: July 6, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of the Thames River, Norwich, CT within 400 feet of the fireworks barges located in approximate position, 41°31′14.19″ N, 072°04′43.23″ W (NAD 83).
7.16 Fairfield Aerial Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 8:30 p.m. to 11 p.m. • Location: Waters of Long Island Sound off Jennings Beach, Fairfield, CT within 1000 feet of the fireworks barge located in approximate position 41°08′16.92″ N, 073°14′01.02″ W (NAD 83).
7.18 Independence Day Celebration Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off of Umbrella Beach, Montauk, NY within 600 feet of the fireworks launch site located in approximate position 41°01′44.11″ N, 071°57′13.67″ W (NAD 83).
7.24 Village of Asharoken Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 8:45 p.m. to 10:45 p.m. • Location: Waters of Northport Bay, Asharoken, NY within 600 feet of the fireworks barge located in approximate position, 41°55′54.86″ N, 073°21′27.22″ W (NAD 83).
7.25 Village of Port Jefferson Fourth of July Celebration Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 8:45 p.m. to 10:45 p.m. • Location: Waters of Long Island Sound off East Beach, Port Jefferson, NY within 500 feet of launch site located in approximate position 40°57′53.19″ N, 073°03′09.72″ W (NAD 83).
7.27 City of Long Beach Fireworks	• Date: July 11, 2014. • Rain Date: July 12, 2014. • Time: 8:30 p.m. to 10 p.m. • Location: Waters of the Atlantic Ocean off Riverside Blvd, City of Long Beach, NY within 800 feet of the fireworks barge located in approximate position 40°34′38.77″ N, 073°39′41.32″ W (NAD 83).
7.30 Shelter Island Fireworks	• Date: July 12, 2014. • Rain Date: July 13, 2014. • Time: 9 p.m. to 11 p.m. • Location: Waters of Gardiner Bay, Shelter Island, NY within 800 feet of the fireworks barge located in approximate position 41°04′32.83″ N, 072°22′07.21″ W (NAD 83).
7.31 Clam Shell Foundation Fireworks	• Date: July 19, 2014.

TABLE 1 TO § 165.151—Continued

	• Rain Date: July 20, 2014. • Time: 9 p.m. to 11 p.m. • Location: Waters of Three Mile Harbor, East Hampton, NY within 800 feet of the fireworks barge located in approximate position 41°01′05.70″ N, 072°11′45.50″ W (NAD 83).
7.33 Groton Long Point Yacht Club Fireworks	• Date: July 19, 2014. • Rain Date: July 20, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound, Groton, CT within 600 feet of the fireworks barge located in approximate position 41°18′37″ N, 072°00′56″ W (NAD 83).
7.34 Devon Yacht Club Fireworks	• Date: July 5, 2014. • Rain Date: July 6, 2014. • Time: 8:30 p.m. to 11 p.m. • Location: Waters of Napeague Bay, in Block Island Sound off Amagansett, NY within 600 feet of the fireworks barge located in approximate position 40°59′41.40″ N, 072°06′08.70″ W (NAD 83).
7.35 Dolan Family Fourth Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Oyster Bay Harbor in Long Island Sound off Oyster Bay, NY within 500 feet of the fireworks barge located in approximate position 40°53′42.50″ N, 073°29′57.00″ W (NAD 83).
7.38 Madison Fireworks	• Date: July 4, 2014. • Rain Date: July 5, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound off Madison Beach, Madison, CT within 800 feet of the fireworks barge located in approximate position 41°16′08.93″ N, 072°36′17.98″ W (NAD 83).
7.39 Stratford Fireworks	• Date: July 3, 2014. • Rain date: July 5, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound surrounding Short Beach Park, Stratford, CT within 600 feet of the fireworks launch site located in approximate position 41°09′50.82″ N, 073°06′47.13″ W (NAD 83).
7.40 Rowayton Fireworks	• Date: July 4, 2014. • Rain date: July 5, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound south of Bayley Beach Park in Rowayton, CT within 1000 feet of the fireworks barge located in approximate position 41°03′16.56″ N, 073°26′42.69″ W (NAD 83).
7.42 Connetquot River Summer Fireworks	• Date: July 3, 2014. • Rain Date: July 5, 2014. • Time: 8:45 p.m. to 10:45 p.m. • Location: Waters of the Connetquot River off Snapper Inn Restaurant, Oakdale, NY within 600 feet of the fireworks barge located in approximate position 40°43′30.03″ N, 073°08′40.25″ W (NAD 83).
7.44 National Golf Links Fireworks	• Date: July 5, 2014. • Time: 9 p.m. to 10:30 p.m. • Location: Waters of the Great Peconic Bay ¾ of a mile northwest of Bullhead Bay, Shinnecock, NY within 1000 feet of the fireworks barge located in approximate position 40°55′11.79″ N, 072°28′04.34″ W (NAD 83).
8	August
8.4 Town of Babylon Fireworks	• Date: August 23, 2014. • Rain Date: August 24, 2014. • Time: 8:30 p.m. to 10 p.m. • Location: Waters of the Atlantic Ocean off of Cedar Beach Town Park, Babylon, NY within 1000 feet of the fireworks launch site located in approximate position 40°37′53″ N, 073°20′12″ W (NAD 83).
8.8 Ascension Fireworks	• Date: August 16, 2014. • Rain Date: August 17, 2014. • Time: 8:30 p.m. to 10:30 p.m.

TABLE 1 TO § 165.151—Continued

	• Location: Waters of the Great South Bay off The Pines, East Fire Island, NY within 600 feet on the fireworks barge located in approximate position 40°40′07.47″ N, 073°04′31.73″ W (NAD 83).
9	September
9.1 East Hampton Fire Department Fireworks	• Date: August 30, 2014. • Rain Date: August 31, 2014. • Time: 8:30 p.m. to 10:30 p.m. • Location: Waters off Main Beach, East Hampton, NY within 1000 feet of the fireworks launch site located in approximate position 40°56′44″ N, 072°11′17″ W (NAD 83).
9.4 The Creek Fireworks	• Date: August 30, 2014. • Rain Dates: August 31, 2014 or September 6, 2014. • Time: 7:30 p.m. to 10:30 p.m. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattingtown, NY within 600 feet of the fireworks launch site located in approximate position 40°54′13'' N 073°35′58'' W (NAD 83).

Under the provisions of 33 CFR 100.100 and 33 CFR 165.151, the regatta and fireworks displays listed above in **DATES** are established as a special local regulation or safety zones. During the enforcement periods, persons and vessels are prohibited from entering into, transiting through, mooring, or anchoring within the regulated area or safety zone unless they receive permission from the COTP or designated representative.

This notice is issued under authority of 33 CFR 100 and 33 CFR 165 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that the regulated area or safety zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area or safety zone.

Dated: May 1, 2014.

E.J. Cubanski, III,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2014–11564 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2014–0242]

RIN 1625–AA00

Safety Zone; Gulfstar 1 SPAR, Mississippi Canyon Block 724, Outer Continental Shelf on the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a safety zone around the Gulfstar 1 SPAR, Mississippi Canyon Block 724 on the Outer Continental Shelf (OCS) in the Gulf of Mexico. The purpose of the safety zone is to protect the facility from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

DATES: Comments and related material must be received by the Coast Guard on or before June 20, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0242 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Rusty Wright, U.S. Coast Guard, District Eight Waterways Management Branch; telephone 504–671–2138, *rusty.h.wright@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
USCG United States Coast Guard

A. Public Participation and Request for Comments

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

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0242] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0242) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Basis and Purpose

Under the authority provided in 14 U.S.C. 85, 43 U.S.C. 1333, and Department of Homeland Security Delegation No. 0170.1, Title 33, CFR Part 147 permits the establishment of safety zones for facilities located on the OCS for the purpose of protecting life, property and the marine environment. Williams Midstream requested that the Coast Guard establish a safety zone around its facility located in the deepwater area of the Gulf of Mexico on the OCS. Placing a safety zone around this facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

The safety zone proposed by this rulemaking is on the OCS in the deepwater area of the Gulf of Mexico in Mississippi Canyon Block 724 with a center point at 28°14′05.904″ N 88°59′43.306″ W. For the purpose of safety zones established under 33 CFR Part 147, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the vicinity of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area also includes an extensive system of fairways.

C. Discussion of Proposed Rule

Williams Midstream requested that the Coast Guard establish a safety zone extending 500 meters from each point on the Gulfstar 1 SPAR facility structure's outermost edge. The request for the safety zone was made due to safety concerns for both the personnel aboard the facility and the environment. Williams Midstream indicated that it is highly likely that any allision with the facility would result in a catastrophic event. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to, (1) the level of shipping activity around the facility, (2) safety concerns for personnel aboard the facility, (3) concerns for the environment, (4) the likeliness that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew, (5) the volume of traffic in the vicinity of the proposed area, (6) the types of vessels navigating in the vicinity of the proposed area, and (7) the structural configuration of the facility.

Results from a thorough and comprehensive examination of the criteria, International Maritime Organization (IMO) guidelines, and existing regulations warrant the establishment of a safety zone of 500 meters around the facility. The proposed safety zone would reduce significantly the threat of allisions, oil spills, and releases of natural gas and increase the safety of life, property, and the environment in the Gulf of Mexico by prohibiting entry into the zone unless specifically authorized by the Commander, Eighth Coast Guard District or a designated representative.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

This rule is not a significant regulatory action due to the location of the Gulfstar 1 SPAR—on the Outer Continental Shelf—and its distance from both land and safety fairways. Vessels traversing waters near the proposed safety zone will be able to safely travel around the zone using alternate routes. Exceptions to this proposed rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the

proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

2. Impact on Small Entities

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

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in Mississippi Canyon Block 724.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the safety zone using alternate routes. Based on the limited scope of the safety zone, any delay resulting from using an alternate route is expected to be minimal depending on vessel traffic and speed in the area. Additionally, exceptions to this proposed rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a safety zone around an OCS facility to protect life, property and the marine environment. This proposed rule is categorical excluded from further review, under figure 2–1, paragraph (34)(g), of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and the Categorical Exclusion Determination are available in the

docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.859 to read as follows:

§ 147.859 Gulfstar 1 SPAR Facility Safety Zone.

(a) *Description.* The Gulfstar 1 Spar is in the deepwater area of the Gulf of Mexico at Mississippi Canyon Block 724. The facility is located at 28°14′05.904″ N, 88°59′43.306″ W, and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

Dated: April 25, 2014.

Kevin S. Cook,

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

[FR Doc. 2014–11567 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0282]

Safety Zone; Fourth of July Fireworks, Berkeley Marina, San Francisco Bay, Berkeley, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Berkeley Marina Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility on July 4, 2014, from 9:30 p.m. to 10:30 p.m. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 8 will be enforced from 9:30 p.m. to 10:30 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 1,000 foot safety zone around the Berkeley Pier in approximate position 37°51′40″ N, 122°19′19″ W (NAD 83) from 9:30 p.m. until 10:30 p.m. on July 4, 2014. Upon the commencement of the 60 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2014, the safety zone will encompass the navigable waters around and under the Berkeley Pier within a radius 1,000 feet in approximate position 37°51′40″ N, 122°19′19″ W (NAD 83) for the Fourth of July Fireworks, Berkeley Marina in 33 CFR 165.1191, Table 1, Item number 8. At the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:30 p.m. to 10:30 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 24, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11792 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0227]

Safety Zone; Fourth of July Fireworks, Redwood City, Redwood City Harbor, Redwood City, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Redwood City Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility on July 4, 2014, from 9:30 p.m. to 10 p.m. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 6 will be enforced from 9:30 p.m. to 10 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 6 on July 4, 2014. Upon commencement of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site on the pier located in

Redwood City Harbor within a radius of 600 feet in approximate position 37°30′34″ N, 122°12′42″ W (NAD 83) for the Fourth of July Fireworks, Redwood City in 33 CFR 165.1191, Table 1, Item number 6. Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:30 p.m. to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 24, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11795 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0176]

Safety Zone; Fourth of July Fireworks, City of Richmond, Richmond Harbor, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the City of Richmond Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility on July 3, 2014, from 9:15 p.m. to 9:45 p.m. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 9 will be enforced from 9:15 p.m. to 9:45 p.m. on July 3, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 9 on July 3, 2014. Upon commencement of the 20 minute fireworks display, scheduled to begin at 9:15 p.m. on July 3, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site on the Lucrecia Edwards Park of Richmond Harbor within a radius of 560 feet in approximate position 37°54′34″ N, 122°21′14″ W (NAD 83) for the Fourth of July Fireworks, City of Richmond in 33 CFR 165.1191, Table 1, Item number 9. Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:15 p.m. to 9:45 p.m. on July 3, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 29, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11798 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0302]

Safety Zone; Lights on the Lake Fourth of July Fireworks, South Lake Tahoe, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Lights on the Lake Fourth of July Fireworks display, South Lake Tahoe, CA in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 18, will be enforced from 9 a.m. on July 3, 2014 through 10:20 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in navigable waters around and under the fireworks barges within a radius of 100 feet during the loading, transit, and arrival of the fireworks barges to the display location and until the start of the fireworks display. From 9 a.m. on

July 3, 2014 until 9 a.m. on July 4, 2014, the fireworks barges will be loading pyrotechnics in Tahoe Keys Marina, South Lake Tahoe, CA in approximate position 38°56′05″ N, 120°00′09″ W (NAD 83). From 9 a.m. to 12 p.m. on July 4, 2014, the loaded fireworks barges will transit from Tahoe Keys Marina to the launch site near South Lake Tahoe, CA in approximate position 38°55′33″ N, 119°57′30″ W (NAD 83). The fireworks barge will remain at the launch site until the completion of the scheduled fireworks display. Upon the commencement of the 22 minute fireworks display, scheduled to begin at 9:45 p.m. on July 4, 2014, the safety zone will increase in size to encompass the navigable waters around and under the fireworks barges within a radius 1,000 feet in approximate position 38°55′33″ N, 119°57′30″ W (NAD 83) for the Lights on the Lake Fourth of July Fireworks, South Lake Tahoe, CA in 33 CFR 165.1191, Table 1, Item number 18. This safety zone will be in effect from 9 a.m. on July 3, 2014 until 10:20 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 23, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11799 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0229]

Safety Zone; Fourth of July Fireworks, City of Martinez, Carquinez Strait, Martinez, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Fourth of July Fireworks display in the City of Martinez in the Captain of the Port, San Francisco area of responsibility on July 4, 2014, from 9:30 p.m. to 10 p.m. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 11 will be enforced from 9:30 p.m. to 10 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 11 on July 4, 2014. Upon commencement of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site at Waterfront Park near Martinez, CA within a radius of 560 feet in approximate position 38°01′31″ N, 122°08′24″ W (NAD 83) for the Fourth of July Fireworks, City of Martinez in 33 CFR 165.1191, Table 1, Item number 11. Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:30 p.m. to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 24, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11801 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0173]

Safety Zone; Red, White, and Tahoe Blue Fireworks, Incline Village, NV

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Red, White, and Tahoe Blue Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 19, will be enforced from 7 a.m. on June 29, 2014 through 10:45 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Joshua Dykman, Sector San Francisco Waterways Safety Division, U.S. Coast Guard; telephone 415–399–3585, email *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in navigable waters around and under the fireworks barges within a radius of 100 feet during the loading, transit, and arrival of the fireworks barges to the display location and until the start of the fireworks display. From 7 a.m. on June 29, 2014 until 8 p.m. on July 4, 2014 the fireworks barges will be loaded off of Incline Beach, near Incline Village, NV at approximate position 39°14′21″ N, 119°56′51″ W (NAD 83). From 8 p.m. to 9 p.m. on July 4, 2014 the loaded barges will transit from Incline Beach to the launch site off of Incline Village, NV at approximate position 39°14′14″ N, 119°56′56″ W (NAD 83) where it will remain until the commencement of the fireworks display. Upon the commencement of the 30 minute fireworks display, scheduled to take place between 9 p.m. and 10 p.m. on July 4, 2014, the safety zone will increase in size to encompass the navigable waters around and under the fireworks barges within a radius 1,000 feet at approximate position 39°14′14″ N, 119°56′56″ W (NAD 83) for the Red, White, and Tahoe Blue Fireworks, Incline Village, NV in 33 CFR 165.1191, Table 1, Item number 19. This safety zone will be in effect from 7 a.m. on June 29, 2014 until 10:45 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 29, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11802 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0208]

Safety Zone; Feast of Lanterns Fireworks, Monterey Bay, Pacific Grove, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Feast of Lanterns Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 27 will be enforced from 8:45 p.m. to 9:30 p.m. on July 26, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 27 on July 26, 2014. Upon commencement of the 45 minute fireworks display, scheduled to begin at 8:45 p.m. on July 26, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site at Lovers Point Park in Pacific Grove, CA within a radius of 490 feet in approximate position 36°37′26″ N, 121°54′54″ W (NAD 83) for the Feast of Lanterns Fireworks in 33 CFR 165.1191, Table 1, Item number 27. Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 8:45 p.m. to 9:30 p.m. on July 26, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 11, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11805 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0234]

Safety Zone; Fourth of July Fireworks, City of Pittsburg, Suisun Bay, Pittsburg, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the City of Pittsburg Fourth of July Fireworks display, in the

Captain of the Port, San Francisco area of responsibility on July 4, 2014, from 9:30 p.m. to 10 p.m. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 13 will be enforced from 9:30 p.m. to 10 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone established in 33 CFR 165.1191, Table 1, Item number 13 on July 4, 2014. Upon commencement of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 4, 2014, the safety zone will encompass the navigable waters surrounding the land based launch site on the Pittsburg Marina Pier in approximate position 38°02′32″ N, 121°53′19″ W (NAD 83). Upon the conclusion of the fireworks display the safety zone shall terminate. This safety zone will be in effect from 9:30 p.m. to 10 p.m. on July 4, 2014.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: April 24, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11803 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0288]

Safety Zone; Coronado Glorietta Bay Fourth of July Fireworks, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Coronado Glorietta Bay Fourth of July Fireworks safety zone on July 4, 2014. This recurring annual marine event occurs on the navigable waters of San Diego Bay in San Diego, California. This action is necessary to provide for the safety of the participants, crew, spectators, safety vessels, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 8:30 p.m. to 10:00 p.m. on July 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Commander John Bannon, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7261, email *John.E.Bannon@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in San Diego Bay for the Coronado Glorietta Bay Fourth of July Fireworks Display listed in 33 CFR 165.1123, Table 1, Item 3 from 8:30 p.m. to 10:00 p.m.

Under the provisions of 33 CFR 165.1123, persons and vessels are prohibited from entering into, transiting through, or anchoring within the 800 foot regulated area safety zone around the tug and barge unless authorized by the Captain of the Port, or his designated representative. Persons or vessels desiring to enter into or pass through the safety zone may request permission from the Captain of the Port or his designated representative. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or designated representative. Spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter, or impede the transit of participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 165.1123. In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Coast Guard determines that the regulated area need not be enforced for the full duration stated on this notice, then a Broadcast Notice to Mariners or other communications coordinated with the event sponsor will grant general permission to enter the regulated area.

Dated: April 30, 2014.

S.M. Mahoney,

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

[FR Doc. 2014–11566 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0319]

Security Zone; Portland Rose Festival on Willamette River

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Portland Rose Festival Security Zone from 11:00 a.m. on June 4, 2014 until 11:00 a.m. on June 9, 2014. This action is necessary to ensure the security of vessels participating in the 2014 Portland Rose Festival on the Willamette River during the Portland Rose festival. During the enforcement period, no person or vessel may enter or remain in the security zone without permission from the Sector Columbia River Captain of the Port.

DATES: The regulations in 33 CFR 165.1312 will be enforced from 11:00 a.m. on June 4, 2014 until 11:00 a.m. on June 9, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Ian McPhillips, Waterways Management Division, MSU Portland, Oregon, Coast Guard; telephone 503–240–9319, email *MSUPDXWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the security zone for the Portland Rose Festival detailed in 33 CFR 165.1312 from 11:00 a.m. on June 4, 2014 until 11:00 a.m. on June 9, 2014.

Under the provisions of 33 CFR 165.1312 and 33 CFR 165 Subpart D, no person or vessel may enter or remain in the security zone, consisting of all waters of the Willamette River, from surface to bottom, encompassed by the Hawthorne and Steel Bridges, without permission from the Sector Columbia River Captain of the Port. Persons or vessels wishing to enter the security zone may request permission to do so from the on scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 165.1312 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with notification of this enforcement period via the Local Notice to Mariners.

Dated: April 29, 2014.

B.C. Jones,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2014–11793 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0269; FRL–9905–80]

Cyflumetofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyflumetofen in or on multiple commodities which are identified and discussed later in this document. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 21, 2014. Objections and requests for hearings must be received on or before July 21, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0269, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0269 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 21, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0269, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 23, 2012 (77 FR 30481) (FRL–9347–8), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F7973) by BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be

amended by establishing tolerances for residues of the insecticide cyflumetofen (2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate), in or on almond, hulls at 4.0 parts per million (ppm); citrus, oil at 16 ppm; fruit, citrus, group 10 at 0.3 ppm; fruit, pome, group 11 at 0.3 ppm; grape at 0.6 ppm; grape, raisin at 0.9 ppm; nut, tree, group 14 at 0.01 ppm; strawberry at 0.6 ppm; and tomato at 0.2 ppm. That document referenced a summary of the petition prepared by BASF Corporation, the registrant, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA modified some of the tolerance levels and commodity names requested by the applicant. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . . ''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The major target organ in rats, mice, and dogs following short-term and long-term oral administration of cyflumetofen is the adrenal glands characterized by increased organ weight and histopathology (vacuolation and hypertrophy of the adrenal cortical cells).

Cyflumetofen has low acute toxicity by oral, dermal, and inhalation routes of exposure. It is minimally irritating to the eyes but not to the skin. It is a skin sensitizer.

Decreased serum hormone concentrations (FSH, progesterone, and 17 β-estradiol) were observed in the mid- and high-dose F_1 females in a rat reproduction study while no hormonal effect was observed in the F_1 male rats at any dose level. However, there were no corresponding changes in reproductive performance at any dose level. In the developmental toxicity study in rats, an increased incidence of wavy ribs was noted at the high-dose (1,000 milligrams/kilogram/day (mg/kg/day)), while an increased incidence of incompletely ossified sternal centra was observed at the mid- and high-dose levels. These incidences occurred in the presence of maternal toxicity. In the developmental toxicity study in rabbits, a downward flexion of the forepaws and/or hind paws was observed in the high-dose (1,000 mg/kg/day) group pups and delays in skeletal ossification were observed in pups at the mid- and high-doses. Maternal toxicity (adrenal effects) was also observed at the mid- and high-doses.

No evidence of neurotoxicity or immunotoxicity was observed in any of the submitted studies for cyflumetofen.

Although there is some evidence of thyroid tumors in rats, the Agency has determined that quantification of risk using a non-linear approach (i.e., reference dose (RfD)) will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to cyflumetofen. This conclusion is based on the following reasons. The single tumor type (thyroid c-cell) occurred in only one sex (male) and one species (rat). This tumor effect was seen only at high doses (250 mg/kg/day), which far exceeds the chronic no-observed-adverse-effect-level (NOAEL) the Agency is using for its risk assessment (16.5 mg/kg/day). And there is no concern for mutagenicity.

Specific information on the studies received and the nature of the adverse effects caused by cyflumetofen as well as the NOAEL and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Cyflumetofen: New Active Ingredient Human Health Risk Assessment to Support Uses on Citrus (Crop Group 10–10), Pome Fruits Crop Group 11–10), Tree Nuts (Crop Group 14–12), Grape, Strawberry, and Tomato'' section IV, pg. 12 in docket ID number EPA–HQ–OPP–2012–0269.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a RfD—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for Cyflumetofen used for human risk assessment is shown in the following Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR CYFLUMETOFEN FOR USE IN FFDCA HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure	Uncertainty/FQPA safety factors	RfD, PAD, level of concern for risk assessment	Study and toxicological effects
Acute Dietary (All populations).	An acute reference dose has not been established for either the general population or for Females 13–49 years of age since there were no appropriate studies that demonstrated evidence of toxicity attributable to a single dose for these populations.			
Chronic Dietary (All Populations).	NOAEL = 16.5 mg/kg/day.	UF_A = 10x ..... UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.17 mg/kg/day. cPAD = 0.17 mg/kg/day	*Three co-critical studies:* *90-day feeding study in rats:* LOAEL = 54.5/62.8 mg/kg/day (M/F) based on hematology and organ weight changes in the liver, adrenal, kidney and ovaries; and histopathology effects in the adrenals and the ovaries. NOAEL = 16.5/19 mg/kg/day (M/F). *Chronic toxicity/carcinogenicity study in rats:* LOAEL = 49.5/61.9 mg/kg/day in (M/F) based on increased adrenal weights and histopathology. NOAEL = 16.5/20.3 mg/kg/day (M/F). *Two generation reproduction study in rats:* Parental: LOAEL = 30.6/46.6 mg/kg/day (M/F) based on increased organ weight and histopathology in adrenals. NOAEL = 9.2/13.8 mg/kg/day (M/F).
Inhalation (Short-, Intermediate- and Long-Term).	NOAEL = 16.5 mg/kg/day.	UF_A = 10x ..... UF_H = 10x FQPA SF = 1x	LOC for MOE = 100.	Same as chronic dietary endpoint.
Cancer (oral, dermal, inhalation).	The quantification of risk using a non-linear approach (*i.e.,* cRfD) will adequately account for all chronic toxicity, including carcinogenicity.			

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to cyflumetofen, EPA considered exposure under the petitioned-for tolerances in 40 CFR 180. EPA assessed dietary exposures from cyflumetofen in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for cyflumetofen; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the food consumption data from the USDA 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). The partially refined chronic analysis conducted was based on tolerance-level residues, 100% percent crop treated (PCT) assumptions, and both empirically derived and default processing factors.

iii. *Cancer.* Based on the data summarized in Unit III.A., the Agency has determined that quantification of risk using a nonlinear approach (i.e., RfD) would adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to cyflumetofen. Therefore, a separate cancer dietary exposure analysis was not performed.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for cyflumetofen. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for cyflumetofen in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of cyflumetofen. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and Screening Concentrations in Ground Water Model as well as Pesticide Root Zone Model—Groundwater, the estimated drinking water concentrations (EDWCs) of cyflumetofen for chronic exposure assessments are estimated to be 0.33 parts per billion (ppb) for surface water and 0.0024 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 0.33 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). EPA assessed residential exposure using the following assumptions: The use of cyflumetofen on ornamentals in residential landscapes may result in residential handler exposure. Residential handler exposure is expected to be short-term in duration as

intermediate- or long-term exposures are not likely because of the intermittent nature of applications by homeowners. The quantitative exposure/risk assessment developed for residential handlers is based on the following scenarios:

- Mixing/loading/applying liquid to ornamentals with hose-end sprayer.
- Mixing/loading/applying liquid to ornamentals with manually-pressurized handwand.
- Mixing/loading/applying liquid to ornamentals with backpack.
- Mixing/loading/applying liquid to ornamentals with a sprinkler can.

Since no dermal hazard was identified for cyflumetofen in the toxicological database, only inhalation exposure assessments were conducted for residential handlers. EPA did not assess post-application exposure from the use of cyflumetofen in residential settings because:

1. No dermal hazard was identified in the toxicity database for cyflumetofen, so a quantitative residential post-application dermal risk assessment is not required;

2. Post-application inhalation exposure while performing activities in previously treated gardens was not assessed due to the low vapor pressure and the expected dilution in outdoor air after an application has occurred;

3. The potential for post-application non-dietary ingestion exposure for children (1 < 2 years old) is greatly diminished since young children are not expected to engage in the types of activities associated with these areas (e.g., gardening) or utilize these areas for prolonged periods of play.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found cyflumetofen to share a common mechanism of toxicity with any other substances, and cyflumetofen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cyflumetofen does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. Prenatal and postnatal sensitivity. There is no evidence of increased qualitative or quantitative susceptibility in the rat 2-generation reproduction study; however, the rat and rabbit developmental studies indicate susceptibility in the pups. There is evidence of increased quantitative susceptibility in the rabbit developmental toxicity study, since developmental effects (changes in ossicification, paw flexion, and decreased fetal body weights) at the limit dose were observed where no maternal toxicity was present. There is evidence of increased qualitative susceptibility in the rat developmental toxicity study as developmental effects (increased incidence of incompletely ossified sternal centra) were seen at the same dose that caused an increase in adrenal weights and organ-to-body weight ratio in the maternal animals. Notwithstanding, the degree of concern for these effects in infants and children is low because the rat and rabbit developmental effects have clearly defined NOAEL/LOAELs and the dose selected for chronic risk assessment is protective of these effects. Therefore, the PODs based on adrenal effects in rat are health protective of all lifestages.

3. Conclusion. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for cyflumetofen is complete.

ii. There is no indication that cyflumetofen is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is some evidence that cyflumetofen results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies. However, as described in Unit III.D.2., because of the low degree of concern for these effects, it is not necessary to retain the 10X FQPA factor to adequately protect infants and children.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to cyflumetofen in drinking water. These assessments will not underestimate the exposure and risks posed by cyflumetofen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, cyflumetofen is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to cyflumetofen from food and water will utilize 2.3% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of cyflumetofen is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water

(considered to be a background exposure level).

Cyflumetofen is currently proposed for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to cyflumetofen.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures are above the Level of Concern (LOC) of 100 and are not of concern (MOEs ≥ 100).

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effect was identified, cyflumetofen is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the data summarized in Unit III.A., EPA has concluded that the cPAD is protective of potential cancer effects. Given the results of the chronic risk assessment, cyflumetofen is not expected to pose a cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to cyflumetofen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (high performance liquid chromatography) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for cyflumetofen.

C. Revisions to Petitioned-For Tolerances

EPA revised the commodity names for the requested tolerances consistent with its policy to establish crop group tolerances using the most recently established crop groups. This policy was explained in the most recent rulemaking establishing crop groups in the **Federal Register** on August 22, 2012 (77 FR 50617) (FRL–9354–3). Under this policy, rather than establish new tolerances under the pre-existing crop groups, EPA intends to conform petitions seeking tolerances for crop groups to the newer established crop groups, as part of its effort to eventually convert tolerances for any pre-existing crop group to tolerances with coverage under the revised crop group. Therefore, although the petitioner had requested tolerances on fruit, citrus, group 10; fruit, pome, group 11; and nut, tree, group 14. EPA evaluated and is establishing tolerances for fruit, citrus, group 10–10; fruit, pome, group 11–10; and nut, tree, group 14–12, respectively.

The petitioner requested a tolerance of 0.2 ppm for tomato based on residues found in tomatoes that had been frozen and stored in accordance with OECD Guideline 506 (October 16, 2007) to account for residue loss that may have occurred during storage. EPA is establishing a tolerance for tomato at 0.40 ppm. In addition, EPA is not establishing a separate tolerance for grape, raisin of 0.9 ppm, as requested, since the tolerance for the raw agricultural commodity grape at 0.60 ppm is adequate to account for any residue concentration shown in the processed commodity.

V. Conclusion

Therefore, tolerances are established for residues of cyflumetofen, in or on almond, hulls at 4.0 ppm; citrus, oil at 16 ppm; grape at 0.60 ppm; fruit, citrus, group 10–10 at 0.30 ppm; fruit, pome, group 11–10 at 0.30 ppm; nut, tree, group 14–12 at 0.01 ppm; strawberry at 0.60 ppm; and tomato at 0.40 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate

as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 9, 2014.

Jack Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.677 is added to subpart C to read as follows:

§ 180.677 Cyflumetofen; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide cyflumetofen, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels for cyflumetofen is to be determined by measuring only cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate, in or on the commodity.

Commodity	Parts per million
Almond, hulls	4.0
Citrus, oil	16
Fruit, citrus, group 10–10	0.30
Fruit, pome, group 11–10	0.30
Grape	0.60
Nut, tree, group 14–12	0.01
Strawberry	0.60
Tomato	0.40

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2014–11496 Filed 5–20–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0008; FRL–9911–19–Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Town Garage/Radio Beacon Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 is publishing a direct final Notice of Deletion of the Town Garage/Radio Beacon, Superfund (Site), located in Londonderry, New Hampshire from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of New Hampshire, through the New Hampshire Department of Environmental Services (NHDES), because EPA has determined that all appropriate response actions under CERCLA, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective July 21, 2014 unless EPA receives adverse comments by June 20, 2014. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1989–0008, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *Email: lovely.william@epa.gov or elliott.rodney@epa.gov.*
- *Fax:* 617–918–0240 or 617–918–0372.
- *Mail:* William Lovely, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code OSRR07–4, Boston, MA 02109–3912 or Rodney Elliott, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code ORA01–1, Boston, MA 02109–3912.
- *Hand delivery:* William Lovely, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code OSRR07–4, Boston, MA 02109–3912 or Rodney Elliott, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code ORA01–1, Boston, MA 02109–3912. Such deliveries are only accepted during the Docket's normal hours of operation (9:00 a.m. to 5:00 p.m.), and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1989–0008. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at: U.S. Environmental Protection Agency, Records Center, 5 Post Office Square, Suite 100, Boston, MA 02109, 617–918–1440, Monday–Friday: 9:00 a.m.–5:00 p.m., Saturday and Sunday–Closed, and Leach Library, 276 Mammoth Road, Londonderry, NH 03055, 603–432–1132, Monday–Thursday: 9:00 a.m.–8:00 p.m., Thursday: 10:00 a.m.–5:00 p.m., Friday: 10:00 a.m.–2:00 p.m., Saturday: 9:00 a.m.–5:00 p.m., Sunday: Closed.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

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I. Introduction

EPA Region 1 is publishing this direct final Notice of Deletion of the Town Garage/Radio Beacon Superfund (Site), from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions if future conditions warrant such actions.

Because EPA considers this action to be noncontroversial and routine, this action will be effective July 21, 2014 unless EPA receives adverse comments by June 20, 2014. Along with this direct final Notice of Deletion, EPA is co-publishing a Notice of Intent to Delete in the ''Proposed Rules'' section of the **Federal Register**. If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely withdrawal of this direct final Notice of Deletion before the effective date of the deletion, and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Town Garage/Radio Beacon Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the state, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Pursuant to CERCLA section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) EPA consulted with the state of New Hampshire prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the state 30 working days for review of this notice and the parallel Notice of Intent to Delete prior to their publication today, and the state, through the New Hampshire Department of Environmental Services (NHDES), has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, the Union Leader. The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Background and History

The Town Garage/Radio Beacon Superfund Site, CERCLIS ID No. NHD981063860, is located north of Pillsbury Road near the intersection of Pillsbury and High Range Roads in Londonderry, New Hampshire. The Site encompasses three residential developments, a wetland area, and the Londonderry Town Garage area located on High Range Road. The Site was discovered in 1984 following a request to the State by residents of the Holton Circle subdivision to sample their bedrock wells. Sampling results from NHDES revealed the presence of volatile organic compounds (VOCs) in several of the residential drinking water wells and the nearby Town Garage well at concentrations in excess of state and federal drinking water standards. In June 1988, the Site was proposed for inclusion on the NPL, (49 FR 40320) and the Site was made final to the NPL on March 31, 1989 (54 FR 13296).

Remedial Investigation

The RI/FS was completed in 1992. As part of the investigation, surface soil, subsurface soil, surface water, groundwater, and air were all evaluated and compared to appropriate benchmarks. Contaminants detected, and attributable to the Site, included: VOCs, semi-volatile organic compounds (SVOCs), and metals. The findings of the RI/FS determined that contaminant concentrations in groundwater posed an unacceptable risk to human health due to its current use as a drinking water source at that time. However, the risk was limited to future exposures because the extension of a public water supply in 1992/93 to nearby residents prevented current exposures to groundwater from private wells that were found to be impacted with Site-related contaminants. With respect to soil, surface water and sediments, the RI/FS determined that contaminant concentrations in these media were at levels that did not pose an unacceptable risk to human health or ecological receptors. Further details about the RI/FS are documented in the RI/FS reports, which are included as part of the administrative index and docket for the Site.

The Selected Remedy

To address the risks presented by future exposure to contaminated groundwater, EPA issued a Record of Decision (ROD) for the cleanup of the Site on September, 30 1992 that included the following the following remedial action objectives (RAOs):

- Prevent ingestion of water which contains compounds in concentrations that exceed federal and state enforceable drinking water standards; and
- Prevent ingestion of water containing compounds which have no enforceable federal or state drinking water standards, but which pose an unacceptable health risk.

In response to the RAO's, the 1992 ROD prescribed a remedy that included four major components: (1) Restoration of contaminated groundwater in the overburden and bedrock aquifers by natural attenuation, (2) institutional controls, (3) groundwater monitoring, and (4) an alternative water supply contingency. The goal of the remedy was to prevent future exposures to Site-related groundwater contaminants while natural attenuation processes gradually reduced contaminant concentrations to levels below state and federal standards.

Response Actions

Consistent with the 1992 ROD, groundwater monitoring was performed to track the progress of the aquifer restoration via natural attenuation and help prevent future exposures to Site-related groundwater contaminants. Institutional controls, in the form of a Groundwater Management Permit (GMP) that was issued by NHDES notified property owners of the groundwater contamination thereby helping to prevent future exposures to Site-related contaminants within the plume area. With respect to the contingency for an alternative water supply, this remedial component was not implemented because concurrently with the issuance of the ROD, the Town extended its municipal water supply to accommodate a new residential development near the Site on Saddleback Road. At that time, existing homes that were also located near the Site were connected to the municipal water supply as a precautionary measure to limit the likelihood of future exposures to contaminated groundwater.

From 1994 through 2012 groundwater samples were collected every Fall with the results showing that contaminant concentrations were gradually declining over time. After reviewing the *2012 Annual Summary Report, Groundwater Monitoring Program,* which showed concentrations for all contaminants of concern identified in the 1992 ROD were below their respective cleanup levels, and at or near their lowest concentrations since the monitoring program began, EPA concluded that restoration of the overburden and bedrock aquifers by natural attenuation was complete and prepared a Final Close Out Report (FCOR) dated February 2014 to document that all Remedial Activities required by the 1992 ROD have been completed. The FCOR is included in the administrative record and deletion docket for the Site and a copy was also sent to the Leach public library.

Cleanup Levels

The interim groundwater cleanup levels selected by EPA in the 1992 ROD were selected based on the more stringent of a federal or state Applicable or Relevant and Appropriate (ARAR) standard, or in the absence of such standard, a risk based standard.

The cleanup levels were set to be within EPA's acceptable risk range of 1×10^{-4} to 1×10^{-6}. Once groundwater monitoring results constituted the third consecutive annual sampling event where Site-related contaminant concentrations were either at or below the interim cleanup levels specified in the 1992 ROD, EPA performed a risk evaluation of residual groundwater contamination, a copy of which is included in the Deletion Docket. Based on the risk evaluation, as well as the technical information reflected in the Deletion Docket and Administrative Record, EPA has determined that the actions taken to address groundwater at the Site are protective of human health for the purposes of the CERCLA remediation. Further, based on this finding, the interim groundwater cleanup levels established in the ROD are protective and should be deemed the final performance standards for the groundwater cleanup.

Operation and Maintenance

Operation and maintenance activities as part of the remedial action consisted of groundwater monitoring in support of the natural attenuation remedy and administering the GMP, which served as the institutional control for the Site. However, with the achievement of the interim groundwater cleanup levels specified in the 1992 ROD, the groundwater monitoring program will be terminated and the GMP will not be renewed as there is no longer a need to maintain an institutional control on the Site.

Five-Year Reviews

Five Year Reviews have been competed for the Site in 1999, 2004, and 2009. Each of these reviews concluded that the remedy was protective of human health and the environment, but also recommended that: The existing monitoring program be expanded once the cleanup levels have been achieved to address additional data needs related

to groundwater discharges to surface water; comparisons of groundwater data to newer standards, including for additional Site-related contaminants of concern that were not in effect when the 1992 ROD was issued; and an evaluation for the presence of 1,4-dioxane. In August 2010, EPA received the *2010 Annual Summary Report, Groundwater Monitoring Program,* which showed that concentrations of all Site-related contaminants, were below their respective ROD cleanup levels, that arsenic and 1,4-dioxane in groundwater were below the laboratory reporting limits and respective maximum contaminant levels and that groundwater discharges to surface water were not an issue.

The Fourth Five-Year Review was due in March 2014. However, after reviewing the monitoring results for 2011, and 2012, which consistent with the 2010 results, were all below their respective ROD cleanup levels, EPA determined that no further Five-Year Reviews are required, because the Site has achieved the RAOs specified in the 1992 ROD. EPA's decision is documented in a memorandum dated February 19, 2014, which is included as part of the Docket for this notice.

Community Involvement

Consistent with the requirements of CERCLA and the NCP, EPA released a community relations plan in 1990 which kept the local citizens group and other interested parties informed through activities such as informational meetings, community updates, press releases, holding public hearings, and addressing public comments associated with the 1992 ROD. In addition, EPA periodically met with nearby residents and Town officials during routine site inspections and as part of the Five-Year Review process, which occurred in 1999, 2004, and 2009. EPA maintains a site file for the local community at the Leach public library located on 276 Mammoth Road, Londonderry, NH 03055 and at EPA's Boston offices.

Determination That the Site Meets the Criteria for Deletion in the NCP

The implemented remedy achieves the degree of cleanup specified in the ROD for all pathways of exposure. All selected remedial action objectives and clean-up levels are consistent with agency policy and guidance. No further Superfund responses are needed to protect human health and the environment at the Site.

The National Contingency Plan (NCP) specifies that EPA may delete a site from the NPL if ''all appropriate responsible parties or other persons have implemented all appropriate response actions required'' or ''all appropriate fund financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate''. EPA, with the concurrence of the State of New Hampshire through NHDES by a letter dated February 24, 2014, believes these criteria for deletion have been satisfied. Therefore, EPA is proposing the deletion of the Site from the NPL. All of the completion requirements for the Site have been met as described in the Town Garage/Radio Beacon Final Closeout Report (FCOR), dated February 2014.

V. Deletion Action

The EPA, with concurrence of the State of New Hampshire through the NHDES, has determined that all appropriate response actions under CERCLA, have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective July 21, 2014 unless EPA receives adverse comments by June 20, 2014. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 24, 2014.

H. Curtis Spalding,

Regional Administrator, EPA Region 1.

Therefore, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B to Part 300—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for ''NH'', ''Town Garage/Radio Beacon'', ''Londonderry''.

[FR Doc. 2014–11796 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 05–337; DA 14–534]

Connect America Fund, High-Cost Universal Service Support

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Wireline Competition Bureau (Bureau) finalizes decisions regarding the engineering assumptions contained in the Connect America Cost Model (CAM) and adopt inputs necessary for the model to calculate the cost of serving census blocks in price cap carrier areas. The Commission also estimates the final budget for the Phase II offer to model-based support to price cap carriers in light of the conclusion of the second round of Phase I funding.

DATES: Effective June 20, 2014.

FOR FURTHER INFORMATION CONTACT: Katie King, Wireline Competition Bureau, (202) 418–7491 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's *Report and Order* in WC Docket No. 10–90, 05–337; DA 14–534, adopted on April 22, 2014, and released on April 22, 2014. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554, or at the following Internet address: *http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-14-534A1.pdf*

I. Introduction

1. The Report and Order takes important steps to further implement the landmark reforms unanimously adopted by the Federal Communications Commission (Commission) in 2011 to modernize universal service to maintain voice service and expand broadband availability in areas served by price cap carriers, known as Phase II of the

Connect America Fund. The Commission concluded that it would provide support through a combination of ''a new forward-looking model of the cost of constructing modern multi-purpose networks'' and a competitive process. The Commission delegated to the Bureau the task of developing that forward-looking cost model.

2. In the *Report and Order,* the Bureau finalizes decisions regarding the engineering assumptions contained in the Connect America Cost Model (CAM) and adopts inputs necessary for the model to calculate the cost of serving census blocks in price cap carrier areas. The Bureau modified the model over the course of this proceeding to reflect the unique circumstances of serving non-contiguous areas of the United States, but questions remain in the record regarding whether model-based support would be sufficient to enable all of these carriers to meet their public interest obligations. Price cap carriers serving non-contiguous areas therefore will be offered model-based support, but also be provided the option of receiving frozen support. The Bureau identifies the likely funding benchmark that will determine which areas are eligible for the offer of model-based support, which will enable the Bureau to commence the Phase II challenge process. The Bureau also estimates the final budget for the Phase II offer of model-based support to price cap carriers in light of the conclusion of the second round of Phase I funding.

II. Discussion

3. In the *Report and Order* the Bureau adopts the modifications to the Connect America Cost Model platform that we have made since the *CAM Platform Order,* 78 FR 26269, May 6, 2013, was adopted and the inputs reflected in CAM v4.1.1 that will be used to estimate the forward-looking cost of building voice and broadband-capable networks in areas served by price cap carriers, including price cap carriers that serve areas outside the contiguous United States.

4. Before addressing particular input values and platform updates, the Bureau first describes the CAM methodology documentation and other information, including illustrative model results, that have been made available to assist the public in understanding the CAM. The Bureau then adopts the model platform updates and turn to input values, focusing on those on which we sought and/or received comment in response to various public notices and virtual workshop questions. Next, the Bureau discusses the treatment of carriers serving the non-contiguous areas of the United States. The Bureau then adopts the methodology for calculating average per-unit costs and explain how certain business locations and community anchor institutions are treated in the model.

5. Finally, the Bureau identifies the likely funding benchmark for the model, which will be used to develop the initial list of census blocks in areas served by price cap carriers that are presumptively eligible for model-based support in Connect America Phase II. The Bureau also estimates the final budget for the offer of model-based support in light of the conclusion of the second round of Phase I funding. Subject to the outcome of the Phase II challenge process, we estimate that approximately 4.25 million residential and business locations will be eligible to receive model-based Connect America Phase II support.

A. Model Documentation and Accessibility

6. Throughout the more than two year model development process, the Bureau has been committed to ensuring an open, transparent, and deliberative process. As discussed above, the Bureau solicited public comment on a variety of topics related to the development and adoption of the cost model through public notices, an in-person workshop, and the virtual workshop questions. At the outset of the process, the Bureau set forth the criteria by which it would evaluate models submitted in this proceeding and identified the capabilities models must have to support the policy choices and options specified by the Commission. Consistent with the Commission's criteria for public accessibility, the Bureau specified that the models and data must be available for public scrutiny and potential modification, and that access to models could not be restricted by use of a paywall (i.e., access to the model cannot be conditioned on paying a fee). At the same time, the Bureau made clear that ''models and input values submitted in this proceeding may be subject to reasonable restrictions to protect commercially sensitive information and proprietary data.''

1. Openness and Transparency

7. Considerable information about the CAM is available either on the Commission's Web site or the CAM Web site hosted by the Administrator, consistent with the Commission's obligation to protect commercially sensitive information and proprietary data. The models submitted by parties in this proceeding and the CAM developed by the Bureau are available subject to protective orders. The Bureau ensured that the protective order governing the CAM did not prohibit employees of telecommunications or competing companies from accessing the model. The Bureau has concluded that the procedures that govern access to CAM adopted in the *Third Supplemental Protective Order* ''provide the public with appropriate access to the model while protecting competitively sensitive information from improper disclosure.'' Members of the public who execute the relevant acknowledgement of confidentiality, the licensing agreement, and/or non-disclosure agreement have access to CAM; detailed CAM outputs; proprietary CAM inputs, data and databases; the proprietary capital cost model, CQCapCostFor CACM; network topologies provided as inputs to CAM; and source code for CAM and the code that creates the network topologies (CQLL and CQMM). Any member of the public can obtain access to CAM and the additional information on the CAM Web site by executing the relevant documents attached to the *Third Supplemental Protective Order.* Parties who have questions about how the model works or need assistance in running the model can take advantage of the CAM support desk.

8. The Bureau has worked with USAC and its contractor, CostQuest, to make model documentation, results and other explanatory material available on the CAM Web site. Specifically, the CAM home page (cacm.usac.org) displays a ''system updates page'' link to ''Release Notes,'' which provides summary level information on model changes by version number and release date, and a ''Resources'' button to provide users a consolidated location for documentation and additional resources. Current documentation listed under the ''Resources'' button includes the following:

- *Background Information on Connect America Cost Model*—Provides a summary of the Connect America Cost Model and its role within the Connect America Fund;
- *CAM Methodology*—Provides comprehensive details on the model's methodology and the methodology used to derive various input values (updated as each new version is released);
- *Capex Tutorial*—Links to a tutorial video explaining the capital expenditures workbook to help parties better understand the structure and inputs contained in the workbook;
- *User Guide*—Provides help to users with information on how to work with and analyze the Connect America Cost Model;

• *FAQ*—Provides Frequently Asked Questions sent to CAM Support desk (*CACMsupport@costquest.com*);

• *Tile Query Field Definitions*—Lists the field definitions for data fields within the tile query results.

Additional resources listed under the ''Resources'' button to assist users in analyzing model results include:

• *Opex Overview*—Provides material that walks through the development of the Opex inputs for the Connect America Cost Model;

• *Capital Cost Model*—Derives annual charge factors for depreciation, cost of money, and income taxes associated with capital investments, used as inputs in the model;

• *TelcoMaster Table*—Provides holding company name associated with serving wire centers and includes state, company name, study area code, status as rate-of-return or price cap, company size, and other data;

• *Coverage Data*—Identifies census blocks presumptively served by unsubsidized competitors.

9. The CAM home page also displays a ''Posted Data Sets'' button to provide users with access to model inputs and model outputs from various model runs, and a link for users to submit questions to the CAM Support desk related to access, administration and output generation. Additional documentation is available in a ''System Evaluator'' package that provides a test environment populated with a sample database, allowing users to view database structures, observe processing steps of CAM for a subset of the country, and see changes in the database. In addition to the CAM source code, the processing source code for CostQuest's proprietary applications that develop the network topology for the CAM—CQLL and CQMM—also is available upon request to the CAM support desk for users that have complied with the additional requirements of the *Third Supplemental Protective Order.*

10. Information relating to the model also is available on the Commission's Web site. On June 4, 2013, the Bureau announced the release and public availability of the model methodology documentation, and published on the Commission's Web site a number of illustrative reports showing results of various runs of CAM v3.1.2. These reports provided the opportunity for the public to see how changes in certain input values and other decisions would impact total support amounts per carrier per state and the number of locations eligible for support. On June 17, 2013, the Bureau published illustrative results of various runs of CAM v3.1.3 and announced the release of methodology documentation for v3.1.3. On June 25, 2013, the Bureau announced the release of updated methodology documentation for CAM v3.1.4 and illustrative model outputs from running this version using different combinations of possible model inputs and support assumptions, with an illustrative funding threshold of $52. On August 29, 2013, the Bureau announced the availability of updated methodology documentation for CAM v3.2 and illustrative model outputs from running this version using different combinations of possible model inputs and support assumptions, with illustrative funding thresholds of $49.15, $52, and $55.40. These reports showed potential support amounts and number of supported locations by carrier, by study area, and by state.

11. On December 4, 2013, the Bureau released default inputs for CAM v4.0. On December 18, 2013, the Bureau released the updated methodology documentation and posted illustrative results from running this version with funding thresholds of $48 and $52. The reports summarize information on estimated support and locations for the funded census blocks for each funding threshold. Users are able to filter the results to view potential support amounts and the number of supported price cap carrier locations, by price cap carrier, by state, and by study area. In response to informal requests, these illustrative results for v4.0 also provided additional detail depicting the number of locations that would newly receive broadband and the number of locations in price cap areas that would fall above the extremely high-cost threshold for each funding threshold. The Bureau also released lists of census blocks that potentially would be funded, so that the public could determine where funding would be targeted under alternative thresholds. On February 6, 2014, the Bureau published maps that visually displayed the same information provided in these illustrative results, so that the public could see the actual geographic territories that would potentially be subject to the offer of model-based support.

12. On March 21, 2014, the Bureau announced the availability of CAM v4.1, and released a new set of illustrative results reflecting a funding benchmark of $52.50. In addition, the default inputs for CAM v4.1, updated model documentation, and a list of census blocks that potentially would be funded were posted on the Commission's Web site. On April 17, 2014, the Bureau announced the availability of CAM v4.1.1 and posted default inputs for CAM v4.1.1 and updated model documentation on the Commission's Web site. As noted above, the minor adjustments in this version did not have a material effect on funding levels previously released for CAM v4.1.

13. The Bureau thus is not persuaded by arguments that the cost model is ''not sufficiently open and transparent.'' NASUCA's argument that the Bureau's model development process is inconsistent with Commission precedent regarding the development of the prior forward-looking model fails to take into account the different constraints that necessarily apply to the CAM. NASUCA ignores the fact that HCPM, which could be downloaded and run on a personal computer, was considerably less complex than CAM. When the Commission delegated to the Bureau ''the authority to select the specific cost model and associated inputs'' in the *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011, it recognized that ''modeling techniques and capabilities have advanced significantly since 1998, when [HCPM] was developed, and the new techniques could significantly improve the accuracy of modeled costs in a new model.'' Rather than updating HCPM, as some suggested, the Commission concluded ''that it is preferable to use a more accurate, up to date model based on modern techniques.'' CAM provides more detailed and precise results at a much more disaggregated level than HCPM by relying on proprietary logic, code and data sources. The Bureau cannot ''lift the proprietary designation from the results'' that the model yields, as NASUCA requests, because the very detailed results available to users of the CAM could reveal proprietary business information of the contractor or reveal proprietary (commercial) source data. The Bureau has always intended to release model results at an appropriate level of aggregation, but the necessary first step was to make certain threshold decisions in order to focus the debate on those policy choices that would have a material impact on support levels. As discussed above, the Bureau has released several iterations of potential support amounts and number of locations by carrier, by state, and has published results by study area as well. The Bureau thus have addressed NASUCA's request that ''[a]t a minimum, results at the study area level should be public.''

14. The Bureau finds that the model results that have been posted on the Commission's Web site with each version of the model since early June 2013 have afforded the public ample opportunity ''to understand the implications of the model.'' Each model

run requires making assumptions about literally hundreds of individual inputs; releasing ''all'' model results as requested by NASUCA potentially would have amounted to an infinite amount of information that would not enhance the public's ability to comment on the policy choices facing the Bureau. It would not have been productive to publish illustrative results for earlier versions of the model when so many aspects of the model were still under development and refinement. Once the model development process was well underway, the Bureau began to release results for several successive versions that illustrated a range of potential outcomes so that the public could evaluate a finite number of alternatives, rather than an infinite number of alternatives. Moreover, the Bureau has now published several iterations of the information that NASUCA specifically identified as being very important to have—the number of locations that are above the extremely high-cost threshold.

15. The Bureau is not persuaded by arguments that the model development process has failed to meet the level of openness and transparency required by the Commission for the model. When the Commission declined to adopt the CQBAT model in the *USF/ICC Transformation Order,* it noted that, ''all underlying data, formulae, computations, and software associated with the model must be available to all interested parties for review and comment.'' As discussed above, that standard has been met for the CAM: The 300 users who have signed the relevant attachments to the *Third Supplemental Protective Order* have had access to detailed CAM outputs; proprietary CAM inputs, data and databases; the processing source code for CostQuest's proprietary applications that develop the network topology for the CAM (CQLL and CQMM), which are inputs to CAM; and source code for the CAM itself. Given the extensive documentation and access to the model that we have made available to the public, the Bureau concludes that this sufficiently meets the Commission's directive that ''all underlying data, formulae, computations, and software associated with the model must be available to all interested parties for review and comment.''

16. For many of the same reasons why the Bureau finds this process consistent with the Commission's stated expectations, the Bureau also concludes that the Bureau's development of the model is consistent with the Administrative Procedure Act's (APA) notice and comment requirements. The Bureau is not persuaded by the argument that the Bureau has violated the APA by relying on a proprietary model with ''hidden algorithms, assumptions, and inputs . . . that are not available to the public or other potentially affected entities.'' One commenter argues that notice and comment requires that ''[i]n order to allow for useful criticism, it is especially important for the agency to identify and make available technical studies and data that it has employed in reaching the decisions to propose particular rules.'' As discussed above, considerable technical information and data about the CAM are available to interested parties to help them understand how the model works and to analyze the results. The Bureau rejects PRTC's nebulous claim that it needs ''access to all the meetings, discussion, analyses, and workpapers that led to the development of the model's inputs'' and algorithms to be able to validate the results of the model. PRTC does not explain specifically what ''meetings, discussion, analyses, and workpapers'' it seeks that are not already available to commenters in this proceeding, given that commenters have had available to them sufficient information to evaluate the reasonableness of model results. And PRTC's claims that the operating expense, CQLL, and CQMM inputs and algorithms it identifies are ''hidden'' are unfounded. In fact, as the Bureau discusses more fully below, the Bureau provided detailed documentation about these algorithms and inputs. PRTC has failed to demonstrate that it is necessary to have access to additional information in order to meaningfully comment on and validate the operating expense values that the model calculates.

17. As the Bureau has released versions of the CAM, it has also released accompanying public notices explaining the changes it has made to the model, and revised and expanded the documentation and other information associated with the model. The Bureau also held physical and virtual workshops on the model, provided for multiple rounds of comments and for *ex parte* filings, all of which were available to commenters in the record. The Bureau thus has provided all interested stakeholders—including price cap carriers, potential competitors, consumer advocates, and the states—with full access to all the information that is necessary to understand how the model works and the results it produces. That is sufficient for all parties to evaluate the reasonableness of the model.

2. Validation/Verification

18. The information provided on the CAM Web site, available to commenters subject to reasonable limitations to protect commercially sensitive and proprietary information under the Bureau's protective order, provides interested parties with sufficient information to be able to evaluate the reasonableness of the input values and model results. Early in the model development process, several parties complained that there was not enough information available to validate the reasonableness of certain assumptions and input values. Over a multi-month period after the first version of the CAM was made available, the Bureau worked with the CAM contractor to provide additional information and documentation to assist the public in understanding the model. As discussed above, subsequent versions of the model, updated documentation, inputs, and model results were posted to the Commission's Web site and thus available to the public. In addition to the model methodology documentation, which describes the methodology used to derive various input values, there is a tutorial video explaining the capex workbook and inputs, and an overview of the development of the opex inputs. Furthermore, detailed results posted to the model site, accessible to any authorized model user, provide data from various model runs; one set of reports includes location counts, a breakout of many components of cost, and investment (capex) data at the census block group level (i.e., with little aggregation, breaking the country into 219,761 geographic areas); and model results at the census block level (i.e., without any geographic aggregation) with location counts and cost rounded to the nearest $5.00.

19. Despite the availability of this detailed information, some parties reiterate complaints that there is not enough information available to validate and verify the reasonableness of certain assumptions, input values, and model results. As discussed below, the Bureau is not persuaded that the additional data, documentation, and reporting functions that some parties request would help users better assess whether modeled results are reasonable. Nor is the Bureau persuaded by the arguments of carriers serving non-contiguous areas of the United States that they were unable to evaluate model results.

20. Throughout the model development process, the Bureau has improved the model and its documentation in response to comments and analyses from various parties. For

instance, using the detailed results from a previous version of the model, ACA identified certain census block groups ''where support was being provided in unexpected urban areas,'' such as the National Mall in Washington, DC. The Bureau investigated this issue and made further adjustments to the location data utilized by the CAM to ensure that only census blocks with residential locations were included in the model's cost calculations. The Bureau concludes that this improvement to the model addresses the concern raised by ACA in a comprehensive way and the Bureau adopts this modification. Indeed, ACA concedes that ''[t]here are potentially legitimate reasons why these areas may be receiving support'' and notes that the urban areas it identified ''may include counties or portions of counties that are not densely populated, currently serviced, or easily accessible.'' Because the model estimates cost at a granular level, it is not unexpected that some otherwise low-cost urban areas will include a few high-cost locations. Accordingly, given the limited, equivocal concerns raised in the record, the Bureau does not find it necessary to separately investigate each census block in an urban area that may be eligible for support.

21. The Bureau finds that ACA's further requests for additional documentation and reporting functions either would not enhance parties' ability to evaluate the reasonableness of the model results or are not necessary because the information already is available. For example, we are not persuaded that ACA's request for access to the geographic coordinates of modeled locations, including whether locations were randomly placed or spread along roads ''would help users better assess whether modeled results appear reasonable at the census block level.'' ACA seems to presuppose that whether a location is geocoded or randomly placed matters in determining the reasonableness of that location's cost. There is no reason to believe this is the case. As the Bureau explained in the *CAM Platform Order,* because ninety-six percent of residential locations and ninety-four percent of business locations are geocoded, the Bureau expects that any effect on average cost in a census block because of random placement of some locations would be small. Thus there is no reason to believe that understanding whether a location is geocoded or randomly placed would lead to any insight about whether the cost is reasonable. Moreover, as the Bureau discusses above, there can be high-cost geo-coded locations within otherwise low-cost areas. Since the cost of a location is thus clearly influenced greatly by drivers other than the source (e.g., distance to network facilities), the Bureau does not see how the information that ACA requests would provide insight into the reasonableness of the cost of that location. Although the Bureau is not persuaded that ACA's request for ''geographic visualizations'' that include the location of demand units would be useful, as discussed above, after the Bureau released illustrative results for CAM v4.0, it published maps that visually displayed those results so the public could see the geographic territories that would potentially be subject to the offer of model-based support under two different funding benchmarks. These maps thus provide ''geographic visualizations'' of costs and support that ''would enable stakeholders to more easily evaluate the modeled results.''

22. Nor is the Bureau persuaded that ACA needs additional reporting and documentation to identify specific cost drivers. The detailed model results available permit users to identify asset categories at the census block group level (for example, the available results break out capital costs by part of the network (e.g., middle mile costs, outside plant costs, customer premises costs—by network node in model parlance) and different types of opex (network operations, general and administrative and customer operations and marketing). Moreover, because support is based on total costs, it does not matter which asset category contributes more to costs in a particular area. In other words, whether cost is driven by (non-labor) plant cost or labor cost does not matter to the level of support. ACA also requests ''access to all interim calculations'' or, at a minimum, an example showing all interim calculations, input assumptions, and how these assumptions are aggregated to estimate levelized monthly cost. Such access already is available. CostQuest provides a sample database to parties who have requested the System Evaluator package and signed the non-disclosure agreement that allows users to analyze CAM processing steps by running each step and then investigating what data changed after each step. With regard to the specific question of how costs are levelized, that is to say how a monthly annuity is calculated for a given investment, the capital cost model that calculates the monthly capital recovery (depreciation) and post-tax return (cost of money and tax) is available on the CAM Web site, as is a detailed explanation of how opex values are calculated.

23. ACA requested a comparison of CAM determined support amounts with previous support amounts. ACA and anyone else can easily compare frozen Phase I support and Phase II support at the study area level by comparing 2013 support disbursements available on USAC's Web site with the various illustrative model results. Aggregating those amounts at the state or holding company level is a simple mathematical exercise. In any event, it is not clear how such a comparison would be relevant to our decisions to finalize the model, which calculates costs at the census block level. Current frozen support levels were the result of several different legacy mechanisms, some of which provided support based on carriers' embedded costs averaged over a study area (ICLS, HCLS and LSS), while others were determined based on a fixed amount per-voice line (IAS), or state level averaging of an earlier forward-looking cost model (HCMS). As a practical matter, there is no simple way to compare those costs to CAM outputs.

24. The Bureau has made available sufficiently detailed information on the CAM Web site, and the Bureau does not find NASUCA's complaints to the contrary persuasive. Contrary to NASUCA's claims, as discussed above, some model results are reported at the census block level, e.g., the number of locations and average cost in the block rounded to the nearest $5.00, and a list of blocks eligible for support as part of the package of illustrative results was released for CAM v4.0 and v4.1. At the census block group level, the total monthly cost is broken down separately for residential and business locations into the following components: Network operations; general and administrative; customer operations and marketing; depreciation; taxes; and cost of money. In addition, the block group level results break out capital costs by network node—the precise network breakout that NASUCA says is of interest. NASUCA has not convinced us that the detailed information provided on the CAM Web site is inadequate, and the Bureau concludes that the information already available is sufficient to enable parties to provide meaningful analysis and comment on the model and its inputs.

25. Nor is the Bureau convinced that requiring price cap carriers to file accounting data, as NASUCA requests, is an appropriate way to validate cost inputs for a FTTP network. Only one price cap carrier has deployed FTTP at scale. Even for providers that have deployed FTTP, the Bureau is skeptical

that accounting data would allow us to determine FTTP-specific costs. Fiber costs in an FTTP deployment would be indistinguishable from the fiber deployed in a Digital Subscriber Line (DSL) or voice-only network. State-wide reporting would mean that costs from areas without FTTP would be lumped together with costs for FTTP areas; and even if FTTP were deployed across an entire state, carriers largely have continued to maintain their copper networks in parallel.

26. The Bureau also is not persuaded by the arguments of the non-contiguous carriers that they were unable to evaluate the model inputs and results. For instance, at various points in the proceeding, ACS claimed that it did not have enough information to determine whether model results are reasonable. Similarly, PRTC argued that it did not have enough information to evaluate whether input values are reasonable. The record demonstrates, however, that ACS and PRTC understand CAM and its inputs well enough to advocate specific changes to the model with clear expectations as to the impact of those changes. Although ACS, PRTC, and Vitelco initially argued that the Bureau should use their state/territory-specific models rather than CAM to estimate their Phase II support, after further discussion and meetings with the Bureau, the carriers serving non-contiguous areas demonstrated that they were able to analyze CAM inputs and outputs, and they subsequently provided inputs for the Bureau to incorporate into later versions of the model. In addition, ACS, PRTC, and Vitelco each ultimately proposed state/territory-specific modifications to CAM.

27. Similarly, the Bureau is unpersuaded by ACS' and PRTC's arguments that they did not have enough information to verify various input values and understand why the model results do not reflect their own costs. Both ACS and PRTC seem to assume that verifying input values involves comparing them to their own embedded (i.e., previously incurred) costs rather than evaluating whether the input values are reasonable estimates of the forward-looking costs of an efficient provider. For example, one would only expect model-calculated property taxes to be the same as actual property taxes if both reflect the same asset base on which the taxes are assessed. However, one should expect a forward-looking model to reflect a more efficient network compared to today's network—for example, due to moving to a more efficient technology and replacing thick bundles of copper with smaller, higher capacity fiber cables, or from higher asset utilization due to improved clustering and routing. Therefore arguments that the model is flawed, or that access is incomplete because the model does not produce results similar to embedded costs are mistaken.

28. The Bureau also is not persuaded by ACS and PRTC's argument that they needed access to other carriers' proprietary data in order to evaluate whether calculated opex costs were appropriate. The carriers have always had the opportunity to compare their own costs or labor rates with those used in the model which we believe is sufficient to evaluate the appropriateness of the inputs. In addition, the Bureau worked with CostQuest to provide a detailed explanation of the model's opex methodology, which is posted on the CAM Web site and includes a comparison between the model-calculated per-location opex values and per-line NECA data for carriers' reported operating expenses. In addition, model users can obtain reports of CAM expenses by wire center, study area or carrier footprint, and can determine, for example, the location-adjusted unit cost for labor. In short, the Bureau believes that such data provide ample opportunity for commenters to evaluate the model's ability to appropriately capture the cost of operating in any given area including the non-contiguous areas of the United States.

29. The Bureau also has made available sufficient documentation and information about CQLL and CQMM to enable parties to evaluate the reasonableness of the outputs and do not find PRTC's call for the release of CQLL and CQMM warranted. As noted above, parties can access CQLL and CQMM source code using DRM-protected PDF files. In addition, the System Evaluator package allows users to view each of the processing steps used to calculate costs by the CAM. This includes access to the databases of information used as inputs to the cost calculations; these databases include the output of CQLL and CQMM that are used by the CAM for the coverage area contained within the System Evaluator package. And as noted above, parties that have signed the relevant *Third Supplemental Protective Order* attachments have had access to CAM's inputs and outputs throughout the model development process, and CAM illustrative results and methodology documentation have been made available for months on the Commission's Web site. Such access affords the requisite opportunity for parties to assess the reasonableness of CQLL and CQMM's output without compromising CostQuest's proprietary business information.

30. Parties have had numerous opportunities to comment, and the Bureau has received numerous suggestions through the virtual workshop, comments and the *ex parte* process regarding how to improve the model over more than eighteen months. Pursuant to the Bureau's policy direction, numerous changes have been made to the model in response to meaningful written comments that were filed and issues identified in the *ex parte* process. For example, in response to commenters' concerns that the National Broadband Map data do not show the availability of voice services for purposes of determining whether a census block is served by an unsubsidized competitor to determine areas eligible for support, the Bureau concluded the CAM's cable and fixed wireless coverage should be modified to reflect only carriers who reported voice service on FCC Form 477, pursuant to the Bureau's policy decision. As discussed above, the Bureau also concluded it was necessary to modify the national demand location data utilized in CAM v4.0 to address an issue previously raised by ACA. Although the Bureau has not incorporated all changes to the CAM that were suggested by outside parties, it has made numerous improvements in response to issues raised in the record. The Bureau therefore concludes that the CAM includes functionalities and capabilities needed to accomplish the task delegated to by Bureau by the Commission. Moreover, given the extensive documentation available, as well as the ability to compare the model output values as a means to test the validity of the model input values, the Bureau concludes that the Bureau's approach with the CAM sufficiently meets the Commission's directive that the ''model and all underlying data, formulae, computations, and software associated with the model must be available to all interested parties for review and comment. All underlying data should be verifiable, engineering assumptions reasonable, and outputs plausible.''

3. Alleged Delegation by the Bureau

31. Finally, PRTC's assertion that the Bureau has sub-delegated its responsibility to develop the model to CostQuest is unfounded. PRTC claims that the Bureau has delegated its ''decision-making authority'' to CostQuest because CostQuest ''has crafted the hidden algorithms, input sheets, and toggle formulae that power the [CAM]'' and has allowed CostQuest to '' 'make crucial decisions' about the

inputs and assumptions the model will employ.'' Contrary to PRTC's assertions, and unlike the case law cited by PRTC, the Bureau has given CostQuest no such decision-making role.

32. The Commission instructed the Bureau to ''select'' a model that is consistent with the Commission's parameters. As described in greater detail above, the Bureau at all times has independently made all necessary decisions regarding the model, based on the record before it. As evidenced by the *Report and Order* and the prior *CAM Platform Order,* the Bureau, with much input from outside parties, has made the policy decisions on everything from the network architecture to be used to how the input values should be developed. USAC directs CostQuest to implement these decisions pursuant to the policy direction of the Bureau—simply put, CostQuest has no decision-making authority to make changes to the CAM without the Bureau fully vetting and USAC approving a change. Moreover, PRTC has not persuasively explained why it lacked sufficient access to specific aspects of the model to enable meaningful comment—and thus meaningful oversight and review by the Bureau—particularly given the extensive access and information available to commenters, as discussed above.

33. Contrary to PRTC's unsupported claim that the Bureau has engaged in the ''abdication to CostQuest of the entire modeling process,'' throughout the process the Bureau has been in full control of model development. These changes are detailed by the CAM Release Notes and public notices that accompany each iteration of the CAM, and as described above, are often made in response to comments made by outside parties. For example, the Bureau concluded that the model should calculate the costs of a green-field FTTP wireline network (rather than a brown-field or DSL network), estimate the cost of an IP-enabled network capable of providing voice services (rather than a switched network or a network that offers no voice services), and exclude areas from support based on the Bureau's definition of unsubsidized competitor—and those changes were implemented pursuant to the Bureau's policy decisions. The Bureau also sought comment on CQLL and CQMM's methodology for developing a wireline topology, and made the policy decision that the methodology is reasonable; in fact a good deal of the virtual workshop was devoted to issues of how best to approach such analyses. In addition, the Bureau not only determined what input data sets to use, but also how to modify those sources in response to public input. The process of creating a model undertaking such an exercise from scratch and then seeking and considering comments from outside parties, would have added many more months to the Phase II implementation timeline. It was far more efficient to use the expertise of CostQuest to help with the technical aspects of implementing the Commission's directives, and for the Bureau to refer parties to CostQuest when they had technical questions.

B. Model Inputs and Platform Updates

34. In this section the Bureau adopts the model inputs and the minor modifications to the model platform that we have made since the *CAM Platform Order* was adopted on April 22, 2013. In that Order, the Bureau ''primarily address[ed] the model platform, which is the basic framework for the model consisting of key assumptions about the design of the network and network engineering,'' and also ''address[ed] certain framework issues relating to inputs.'' The Bureau anticipated that ''[t]ogether, the two orders should resolve all the technical and engineering assumptions necessary for the CAM to estimate the cost of providing service at the census block level and state level.''

35. Model platform changes, including changes to certain network engineering assumptions with regard to non-contiguous areas of the United States, were discussed and explained in public notices announcing subsequent versions of CAM, in the model methodology documentation, and in more detail in the CAM Release Notes. The Bureau also adopts the updated data sets that are used in the current version of CAM. For example, when the model platform was adopted, the version of the model at the time (CAM v3.0) used National Broadband Map data as of June 2012 to identify census blocks shown in the National Broadband Map as unserved by wireline telecommunications, cable, and fixed wireless providers offering speed levels of 3 Mbps downstream and 768 kbps upstream. The current version of CAM updates the broadband coverage data in several ways. This version uses June 2013 National Broadband Map data, modifies the cable and fixed wireless broadband coverage to reflect only providers that have reported voice subscriptions on FCC Form 477 June 2013, and removes subsidized providers from the model's source data used to identify which census blocks presumptively will receive funding. As discussed below, CAM uses GeoResults 4Q 2012 data to identify wire center boundaries and central office locations. As discussed above, CQLL and CQMM develop the network topology for CAM, which are used as inputs to CAM. The Bureau also adopts the updates to these data. For example, in the *CAM Platform Order,* the Bureau adopted the customer location data used in the model, which CQLL uses to develop the network topology. As described above, we updated the demand location data by modifying the methodology for placing randomly placing county growth locations. The major data inputs to the CAM along with the underlying source for those data are listed in Appendix three of the Model Methodology documentation.

36. The Bureau also adopts the user-adjustable inputs for purposes of finalizing the model in order to calculate support amounts to be offered to price cap carriers. The inputs for CAM v4.1.1 are posted on the Commission's Web site and include values for capital expenses, operating expenses, annual charge factors, busy hour bandwidth, business and residential take rate, company size classifications, adjustments made for company size purchasing power, plant mix, property tax, regional cost adjustments, the percentage of buried plant placed in conduit, and state sales tax. The Bureau discusses below those inputs that were the focus of the virtual workshop questions and public comment, specifically: (1) Outside plant and interoffice transport capex input values, including wire center boundaries, plant mix, and sharing; (2) other capex input values, including customer premises equipment, customer drops, central office facilities, FTTP equipment, voice capability, busy hour demand, and annual charge factors; and (3) opex input values, including network operations expense factors, general and administrative expenses, customer operations marketing and service operating expenses, and bad debt expense.

1. Outside Plant and Interoffice Transport Capex Input Values

37. In this section, the Bureau addresses the model inputs related to capital expenditures capex for outside plant and interoffice transport plant. As the Commission recognized when it adopted the model platform and inputs for HCPM, outside plant—i.e., the facilities that connect the customer premises to the central office—constitutes the largest portion of total network investment. Outside plant investment in an FTTP network includes the fiber cables in the feeder and distribution plant and the cost of the fiber distribution hubs and fiber

splitters that connect feeder and distribution plant; transport plant investment includes fiber cables as well as the required electronics. Cable costs include the material costs of the fiber-optic cable, as well as the costs of installing the cable, including the materials and labor associated with the structure. Outside plant and transport consist of a mix of different types of structure: Aerial, underground, and buried cable. Aerial cable is strung between poles above ground. Underground cable is placed underground within conduit for added support and protection, with access points via manholes. Buried cable is placed underground but without any conduit. A significant portion of outside plant investment consists of the poles, trenches, conduits, and other structure that support or house the cables along with the capitalized labor associated with those structures. In some cases, other providers like electric utilities share structure with the LEC and, therefore, only a portion of the costs associated with that structure are borne by the LEC. As discussed below, CAM outside and interoffice plant capex input values take into account variations in cost due to plant mix (aerial, buried, or underground) and structure sharing, as well as terrain, density and regional material and labor cost differences.

a. Wire Center Boundaries

38. As discussed in the *CAM Platform Order,* in designing the modeled network, the CAM platform uses a green-field, ''scorched node'' approach that estimates the average (levelized) cost over time of an efficient modern network, assuming only the existence of current LEC wire centers and their boundaries, and central office and tandem locations. In the *Model Design PN,* 77 FR 38804, June 29, 2012, the Bureau proposed using wire center boundaries obtained through a new data collection, or in the alternative, commercial data, if the data collection could not be completed in time for the model development process. The only party directly commenting on data sources for wire center boundaries, NASUCA, favored using the Bureau's study area boundary data collection.

39. The Bureau concludes that it will use a commercial data set, GeoResults 4Q 2012 wire center boundaries and central office locations, in CAM that will determine support amounts to be offered to price cap carriers. Although the Bureau recently collected study area boundary and exchange data from all incumbent LECs (or state commissions filing data for their carriers), it would unnecessarily delay finalizing of the model to incorporate that data into the model for the purpose of calculating the offer of support to price cap carriers. The GeoResults data are the data used in all model versions starting with CAM v2. Interested parties have had ample opportunity to review model cost estimates and resulting support amounts using this data set, and no party has expressed concerns that using commercial data materially impacts the accuracy of model results for the price cap carriers. Indeed, carriers often rely on commercial data for their own wire center boundaries. For example, in response to the Bureau's data request, AT&T submitted GeoResults data for some of its study areas, and Verizon submitted data from another commercial vendor. Using the Bureau's study area boundary data collection in the model for price cap carriers would require additional time to complete Phase II Connect America implementation, without any clear indication that it would materially improve the accuracy of model results for price cap carriers.

b. Plant Mix Input Values

40. Outside and inter-office transport plant investment varies significantly based on plant mix, i.e., the relative proportions of different types of plant–aerial, underground, or buried—in any given area. The Bureau originally sought comment on plant mix input values in the virtual workshop in October 2012, and requested additional input on December 17, 2012, in light of the release of the Connect America Cost Model. The ABC Coalition filed updated plant mix values on January 11, 2013, and the Bureau sought comment on these values in the virtual workshop. In the *CAM Platform Order,* the Bureau adopted a model that assumes that each state is made up of three density zones—urban, suburban, and rural, but did not adopt input values at that time. For each of the three density zone, the model assumes a specific percentage of underground, buried, and aerial plant for each of the three sections of the network (feeder plant, distribution plant and inter-office facilities). As a result, each state will have a matrix of 27 different plant mixes, one for each combination of density zone, plant type and component of the network. In addition, the model includes default nationwide plant mix values, which may be used in any state for which specific inputs may not be available.

41. The Bureau adopts the plant mix inputs used in CAM v4.1.1 for contiguous carriers, which are based on carrier-specific data submitted by the ABC Coalition. Verizon derived six groups of plant mix values, recognizing regional differences, from its forward-looking cost model for FTTP and engineering sources of existing structure. AT&T extracted aerial, buried and underground plant outside plant mileage data from a network database covering copper and fiber cables placed in the previous fifteen years for each of its twenty-two state LEC service territories. CenturyLink provided its company-specific actual plant mix by using an internal database of continuing plant records for its thirty-seven state incumbent LEC footprint. In states where there were two or more reporting carriers, such as California and Florida, the values were combined using simple averages for the density zones and network sections in those states. Where company-specific or state-specific data were not available, the model uses national average data, which is consistent with the approach taken for HCPM. The national averages are simple averages of the company-specific values.

42. Although ACA agrees that using carrier-specific data to develop plant mix data is reasonable, it argues that the input values submitted by the ABC Coalition show lower proportions of aerial plant in rural areas than ACA has seen reported by other broadband providers, and that ''deploying buried plant can be significantly more expensive than the cost of deploying aerial plant.'' In response, the ABC Coalition argues that ACA does not identify the broadband providers with higher percentages of aerial plant and ignores the wide range of the proportion of aerial plant in the Coalition's state-specific tables. The national average percentage of aerial plant used in the model is 29.8 percent, but the percentages are as high as 78 percent or 73.3 percent in some northeastern states to as low as 8.5 percent or 9 percent in some midwestern and western states (Kansas, Colorado, and Wyoming). ACA has not filed any data to support its claims that there is more aerial plant in rural areas; and it is not clear that the plant mix values that ACA refers to are representative of the entirety of price cap ILECs' study areas. Thus the Bureau has no data in the record on which to base alternative plant mix values. Even if the Bureau were to increase the percentages of aerial plant in rural areas, it would not expect the costs to change that much because the costs of buried plant in rural areas are not much higher, or can be lower, than the costs of aerial plant, so it finds the existing data reasonable to use here.

c. Outside Plant Sharing

43. The CAM platform assumes that outside plant facilities are shared a certain percentage of the time between a carrier's own distribution and feeder and with other providers, such as electric utilities. In addition, CAM assumes that interoffice routes (i.e., middle mile) will be shared with distribution and/or feeder routes a certain percentage of the time, and that the interoffice network is a shared network carrying both voice and broadband for residential and certain business locations and special access and private line (including direct Internet access) traffic for other business locations, wireless towers, and community anchor institutions. The percentage of shared facilities may vary by density zone—rural, urban, or suburban, and by structure type—aerial, buried, or underground. Thus, similar to the plant mix input tables, each plant sharing table has a matrix of nine possible density zone/structure type combinations. In the virtual workshop, the Bureau sought comment on determining the plant sharing factors.

44. The Bureau adopts the outside plant sharing percentages used in CAM v4.1.1. For structure sharing with other providers, the model assumes that 48 percent of the cost of aerial structure in all density zones is attributed to the LEC, and that 96 percent of buried and underground structure in rural areas, 80 percent of buried and underground structure in suburban areas, and 76 percent of buried and underground structure in urban areas is attributed to the LEC. This effectively assumes, for example, that an electric or other company lays cable along a given route only four percent of the time in rural areas at the same time the LEC has a buried trench open or underground conduit available, and only 20 percent of the time in suburban areas. The Bureau concludes these are reasonable assumptions, given that it is unlikely that electric or other utilities would have a need to bury new cable at the same time as the incumbent LEC. Likewise, the Bureau finds that it is reasonable to assume that sharing of aerial plant is more prevalent (which results in less cost assigned to the LEC) than sharing of buried trenches or underground conduit because other companies do not need to be deploying facilities at the same time in the same place to share the cost of poles.

45. For sharing between the LEC's own plant, the model assumes that distribution and feeder plant share aerial structure 78 percent of the time that their routes overlap, share buried structure 41 percent of the time that their routes overlap, and share underground structure 67 percent of the time that their routes overlap. The model uses these sharing factors to determine how much structure is required for each route. The effect of this sharing is to reduce the cost of feeder and distribution plant because they require less structure like poles, conduits and trenches.

46. The Bureau also adopts the sharing percentages related to interoffice transport used in CAM v4.1.1. Interoffice routes connect central offices, and often will run along the same routes as the feeder and distribution and use the same structure. Because the model estimates the full cost of structure within the wire center, the model only needs to estimate the additional cost of interoffice structure that is not shared with feeder and distribution structure. Thus, these interoffice sharing percentages reflect the percentages of interoffice routes requiring dedicated structure. The model also assumes that the interoffice network is shared between two major groups of services: Voice and broadband for residential and certain business locations (mass market services) and special access and private line (including direct Internet access) for other business locations, wireless towers, and community anchor institutions, and that 50 percent of the cost of interoffice fiber and structure is attributed to voice/broadband services. The allocation is based on the assumption that residential/business voice and broadband services and special access/private line services are transported over the same middle mile routes using the same fiber cables and structure. CAM assumes that one-half the cost of the fiber and associated structures in the middle mile are attributed to the voice and broadband services delivered to residential and small business customers, and the other half is attributed to the private line/special access services, as if each service type would otherwise require the construction of an independent network.

47. Although there are various approaches to allocating common costs by dividing all costs and fully distributing them on the basis of an ''allocation key,'' the Bureau chose to allocate middle mile costs by broad services types. Specifically, the CAM splits these costs between enterprise services, such as special access and other dedicated services, and mass market services, such as ''best efforts'' Internet access and single or dual line voice services that typically are delivered to residences and small businesses. The Bureau could have considered alternative cost allocation methods, such as a division based on some measure of bandwidth used, the share of bits transferred, or the share of revenues. However, the Bureau does not have any data to support an alternative allocation method.

d. Other Outside Plant and Interoffice Transport Capex Inputs

48. In addition to variations in cost due to plant mix and structure sharing, the CAM capex input values take into account other factors that affect costs, such as size or type of material, terrain and soil conditions, density of the area, or region of the country. In the *CAM Platform Order,* the Bureau adopted regional cost adjustment factors to capture regional cost differences in labor and material costs by three-digit ZIP codes. In the *Report and Order,* the Bureau adopts the approach and outside plant capex input values used in CAM v4.1.1 that, where appropriate, reflect cost differences related to these other factors.

49. For the capex input values that vary by density, the Bureau adopts the methodology used to identify an area as urban, suburban, or rural in CAM. Specifically, density is measured at the census block group level and based on the number of locations in the block group divided by the area. Census block groups with 5000 or more locations per square mile are identified as urban; those with 200 or more locations per square mile that are not urban are identified as suburban; and those with fewer than 200 locations per square mile are defined as rural. The Bureau notes that these categories only address which inputs are used to calculate costs—what the unit costs are, not the cost to connect each location. The network costs themselves are driven by the amount of plant, which is determined by the route distance back to the ILEC central office. Thus areas within a density zone can have very different costs; for example, those locations that have the lowest density (e.g., 1 location per square mile or less) are likely to have much higher costs than those closer to the 200 per square mile cutoff. We note that these density zones collapse the nine density zones used in HCPM into three: The three lowest density zones are classified as rural, the four middles density zones are classified as suburban, and the two highest density zones are classified as urban. The Bureau finds that this is a reasonable approach. For some of the input values used in HCPM, there was little or no difference in values used in

the lowest three density zones. Some input values used in HCPM, such as feeder and distribution placement costs, increased with density, so averaging the three lowest density zones together would have increased costs in the most rural areas.

50. In addition to varying by density, some costs also vary by type of terrain and soil conditions. For example, terrain/soil conditions affect the labor costs for placing underground and buried structure. The CAM uses different input values for underground and buried excavation costs in four types of terrain (normal, soft rock, hard rock or water, i.e., high water table). Terrain factors were developed for each census block group using data from the Natural Resources Conservation Service (NRCS) STATSGO database for bedrock depth, rock hardness, water depth and surface texture. For input values that vary by terrain, we adopt the methodology used to identify terrain type in CAM v4.1.1 for contiguous areas of the United States. The rock hardness used in the contiguous United States for a given census block group is whichever type of rock is listed most frequently for the list of STATSGO map units in the census block group, regardless of the geographic area of the individual map units.

2. Other Capex Input Values

51. In this section, we address additional capex inputs used by the CAM. Consistent with the Commission's direction in the *USF/ICC Transformation Order* and the Bureau's decision in the *CAM Platform Order,* the CAM estimates the capital cost of the equipment necessary to facilitate provision of voice and broadband service to end users over a FTTP network. This includes estimating the cost of the hardware used throughout the network, including the carrier's central office facilities and at the end user's premises. To provide a more accurate reflection of the total cost to the carrier of providing this equipment, the CAM includes an estimate of the percentage of homes or business locations that would be expected to have drops and optical network terminals (ONTs) over the course of the relevant time period (the customer drop rate). The CAM also accounts for the capital cost per subscriber of providing voice service on an FTTP network, as well as the demand on the network during high traffic periods. The CAM also includes the capability to model the cost of both undersea and submarine cable used for middle mile connections in non-contiguous areas. Finally, the CAM captures the cost of capital investment used over time by utilizing Annual Charge Factors (ACFs) to determine the capital related to the monthly cost of depreciation, cost of money, and income taxes. As discussed below, the Bureau adopts the values used by the CAM v4.1.1 for these capex inputs and finalize the methodology used for calculating ACFs.

a. Optical Network Terminals

52. In the *USF/ICC Transformation Order,* the Commission required all federal high-cost universal service support recipients to offer voice telephony service over broadband-capable networks, and also required all recipients to offer broadband service as a condition of receiving such support. Consequently, the inputs used by the CAM must reflect the cost of equipment that provides the ability to provide both voice and broadband service. Included in the inputs is the cost of the ONT that provides the gateway functionality to provide the Internet protocol-to-time-division multiplexing (IP-to-TDM) conversion needed to utilize the end-user's TDM equipment. The Bureau sought comment in the virtual workshop on the appropriateness of using these inputs.

53. The Bureau concludes that the CAM's methodology for the cost of ONTs is a reasonable approach and is consistent with the Commission's direction in the *USF/ICC Transformation Order.* We note that certain parties have advocated that the cost of battery backup for the modem should be included in this input. For example, NASUCA highlights the fact that, in FTTP networks, the ONT is powered in the end-users' home, whereas copper telephone networks are powered from the central office. To ensure that the network is sustainable when there are electrical outages, NASUCA argues that the cost of batteries at the customer's premises must be included in this input. The Bureau agrees with NASUCA and note that the CAM methodology assumes that the material prices of the ONTs include the up-front cost of battery backup and alarm, thereby incorporating the cost for such backup into model costs.

b. Customer Drop Rate

54. To properly model the cost of the equipment necessary to construct a new FTTP network, the CAM makes an assumption about the customer drop rate, i.e., the percentage of homes or businesses that will actually be connected to the network by a drop and ONT, rather than just being passed by the network. Beginning with CAM v3.1, the customer drop rate was set at 80 percent for both residential and business locations. ACA argued that the customer drop rate used by the CAM should be set at 90 percent to reflect the Commission's National Broadband Plan forecast adoption curve. The ABC Coalition advocated for the use of an 80 percent customer drop rate for broadband service.

55. The purpose of the customer drop rate is to determine the number of locations that are actually connected to the network by a drop and ONT, as opposed to the number of locations that are simply passed by the network. The underlying assumption is that an efficient provider will not physically connect every location when it runs fiber down a rural road, but rather will do so only when the subscriber chooses to subscribe.

56. The Bureau concludes that 80 percent is a reasonable estimate for the percentage of locations connected with a drop and ONT. The Bureau decided to adopt an 80 percent customer drop rate primarily because we are concerned that assuming that 90 percent for all residential and business locations are physically connected to the network may overestimate the potential level of customer demand. For example, some people may choose to subscribe to satellite broadband or only to mobile services provided by another provider (not the recipient of Phase II support); indeed, due to other barriers to adoption of broadband services, some small fraction may not subscribe to any form of broadband. Moreover, even in the presence of latent demand, it likely would take some time for customers to adopt a newly available service. Therefore, while the 80 percent customer drop rate used by the CAM may slightly understate the costs associated with constructing the network, it also recognizes that not all potential customers in a given area will necessarily opt to receive broadband or voice service from a Phase II-supported carrier.

57. At the same time, it is reasonable to assume that the customer drop rate used by the CAM is higher than the current or even expected subscription rate. When a carrier building a new FTTP network runs cable down a street, some locations may be vacant or the occupants may not presently wish to purchase broadband or voice service; over time, however these locations will become connected as new residents move in and choose to subscribe. Such ''churn'' means that at any point in time the percent of locations that have drops and ONTs will likely exceed the actual subscription rate.

c. Central Office Facilities

58. As with the ONT inputs, the CAM inputs reflecting the cost for central office facilities for an all-IP network must account for the cost of providing both voice and broadband service, consistent with the Commission's direction. This includes the costs for routers, Ethernet switches, rack space, and optical line terminators (OLTs) for FTTP configurations, as well as costs for buildings, land, and power.

59. The Bureau adopts CAM v4.1.1's input values to estimate the cost of central office facilities. The Bureau acknowledges that some parties have advocated for the inclusion of specific costs within the central office inputs. For example, NASUCA argued for the inclusion of inputs that ensure the sustainability of the network in the event of electric outages, such as back-up generators and large batteries in the central offices. The Bureau agrees and notes that the capitalized power investments for central office generators and batteries are included in the ''Other Rate'' on the ''Labor Rates and Loadings'' input worksheet for all equipment items assigned to the circuit or switching accounts. The model also includes the cost for backup power at the location to account for the fact that, in an FTTP network, power at the central office does not supply power to the outside plant.

60. Though ACS agreed that the cost of routers, Ethernet switches, and other materials appropriate for a voice and broadband capable network should be included as inputs, it also advocated for additional costs, such as ''building space, power, support equipment, etc.'' We take this opportunity to clarify that costs for buildings, land, and power are included as inputs for central office facilities.

d. FTTP Network Equipment

61. In the *CAM Platform Order,* the Bureau determined that the CAM would estimate the costs of an FTTP network. Consequently, the CAM reflects the capital cost of constructing a FTTP network, accounting for hardware such as ONTs, fiber drop terminals, fiber splitters, and OLTs. The Bureau solicited comment on the reasonableness of these inputs in the virtual workshop and asked parties to specify whether any other types of hardware should be added or excluded when they adopt the final version of the model.

62. The Bureau concludes that CAM v4.1.1's FTTP equipment input values are reasonable based on the record before us. The ABC Coalition noted that there was a general lack of experience among its members of building FTTP networks in high cost and rural areas, but explained that, based on input from at least one Coalition member, ''the current FTTP inputs are the best available values and should be used as the FTTP input values in the adopted version of CACM.'' Both ACS and PRTC also agreed that the CAM makes the appropriate assumptions regarding the types of hardware needed for FTTP networks.

e. Voice Capability

63. As noted above, the Commission requires all federal high-cost universal service support recipients to offer ''voice telephony service'' over broadband-capable networks, and also requires all recipients to offer broadband service as a condition of receiving such support. Accordingly, in the *CAM Platform Order,* the Bureau adopted ''a model platform that estimates the cost of an IP-enabled network capable of providing voice service.'' The cost of providing voice service is ''modeled on a per-subscriber basis and takes into account the cost of hardware, software, services, and customer premises equipment to provide carrier-grade Voice over Internet Protocol (VoIP) service.'' The *CAM Platform Order,* however, did not address the specific inputs used to calculate the per-subscriber costs.

64. The Bureau now adopts CAM v4.1.1's default inputs for voice service. Specifically, the CAM assumes capital costs of $52.50 per subscriber associated with providing voice service on an IP-enabled broadband network. Applying the annual charge factor to this per-subscriber capital charge increases the levelized monthly cost of service by approximately one dollar. The Bureau notes that this cost estimate is consistent with the rates charged by third-party providers of hosted voice services. USTelecom agrees that these monthly costs are ''within the realm of reason.''

f. Busy Hour Demand

65. In the *CAM Platform Order* the Bureau adopted a model platform that will size network facilities such that there is sufficient capacity at the time of peak usage. The model platform accomplishes this by ensuring that the size of each link in the network is sufficient to support peak usage busy hour offered load (BHOL), taking into account average subscriber usage at peak utilization.

66. The Bureau now adopts CAM v4.1.1's BHOL input value of 0.44 Mbps, which corresponds to 440 kbps per user. The Bureau sought comment on using a BHOL input value of 440 kbps in the virtual workshop. The use of this value was supported by the ABC Coalition and was not opposed by any party. The ABC Coalition explains that while a higher BHOL value ''may be reasonable,'' it believes that the model's ''results are not sensitive enough to changes in the busy hour bandwidth input to warrant modifying it.'' The Bureau agrees. Modest changes in this BHOL value are unlikely to impact significantly cost estimates and ultimate support amounts.

67. As explained in the model's methodology, CAM v4.1.1 has been sized to provide, at a minimum, a capacity of 5.4 Mbps per user, corresponding to a BHOL of 5,400 kbps. Thus, the specific BHOL value that we choose would only impact costs (by requiring the network to add additional capacity) if the BHOL were to exceed 5,400 kbps. The Bureau does not believe this is likely, as discussed below.

68. The CAM models a FTTP network architecture that is based on a GPON design. In the GPON network, there are a limited number of aggregation points that constrain broadband speeds, including fiber splitters and optical line terminal (OLT). When both the splitters and the OLT are fully utilized, each subscriber will receive at a minimum 5.4 Mbps of capacity in the most capacity-constrained areas, and in rural areas where there are fewer subscribers per splitter and fewer splitters per OLT, each subscriber will have many times that capacity by default, with the exact amount determined by local conditions. Further toward the core network, aggregation points are Ethernet switches and routers, whose capacities (number of line cards) increase with the number of subscribers assumed to be on the network. Thus, the CAM captures the need for increased capacity in the Ethernet (backhaul) network according to the supported number of subscribers. As a result, the modeled network is designed to provide far more busy-hour capacity, at least 5.4 Mbps per end user, than the BHOL value of 0.44 Mbps the Bureau adopts here.

69. The Bureau adopts a BHOL that is significantly higher than that used for the National Broadband Plan. There, staff adopted a BHOL of 160 kbps for the Broadband Assessment Model ''to represent usage in the future,'' finding that with this value, ''this network will not only support the traffic of the typical user, but it will also support the traffic of the overwhelming majority of all user types, including the effect of demand growth over time.'' In developing the Broadband Assessment

Model, the staff assumed all residential and small business locations would receive speeds at 4 Mbps/1 Mbps. Usage for the CAM differs in several key ways: Monthly data usage has continued to grow since the development of the Broadband Assessment Model, and the Connect America Phase II model will be calculating support for a period of time further into the future than the modeling for the National Broadband Plan. Moreover, the Commission expressly contemplated that recipients of Phase II support would be offering service with higher speeds by the end of the five-year term. Therefore, the Bureau finds that it is reasonable to adopt a higher BHOL for the CAM than was used in the Broadband Assessment Model. The 0.44 Mbps value is consistent with growth rates utilized by Commission staff when developing the Broadband Assessment Model.

70. Even with higher assumed broadband speeds than the current 4 Mbps downstream, based on current and forecast usage, the Bureau concludes the BHOL input value of 0.44 Mbps is reasonable. As noted above, the assumed BHOL—which reflects a mix of high- and low-bandwidth uses—incorporates growth over time as subscribers move to more bandwidth-intensive uses. Further, some data suggest that moving to a higher speed connection by itself does not raise the BHOL substantially. Moving to a higher speed connection might allow users to demand more busy hour capacity for bandwidth-intensive applications like streaming video. However, because BHOL includes the effect of low-bandwidth users and those who are not online at all, the effect of higher-bandwidth video streaming will be muted. In other words, as long as people spend some of their busy hour time with email and social media, or offline entirely, the overall increase in BHOL associated with higher broadband speeds is minimal. And, to the extent that demand falls outside of periods of peak demand (i.e., if people watch more, higher-quality video but outside of busy hour), there will be no effect on BHOL at all. For that reason, we do not expect an increase in broadband speed of, e.g., 2x to 5x (i.e., a downstream speed of 8–20 Mbps) would lead to a comparable increase in BHOL. Moreover, even if BHOL were to increase linearly with speed, to 880 to 2,200 kbps, there would not result in any increase in modeled network cost because, as noted above, model costs are not sensitive to BHOL values below 5400 kbps.

71. The BHOL the Bureau selects also is consistent with the Commission's expectation that recipients of Phase II support would offer services with usage allowances reasonably comparable to usage for comparable services in urban areas. The Bureau implemented that directive by specifying an initial minimum usage allowance of 100 GB of data per month, with usage allowances over time consistent with trends in usage for 80 percent of consumers using cable or fiber-based fixed broadband services. The 0.44 Mbps input value that the Bureau adopts today should be sufficient to accommodate a 100 GB/month usage allowance and reasonable growth trends in usage over the five-year term.

g. Annual Charge Factors for Capex

72. The CAM captures the cost of capital investment used over time, reflecting both the cost of initial deployment, replacement capital expense and the cost of money necessary to have access to that amount of capital. To do so, the model applies levelized Annual Charge Factors (ACFs) to a number of capital investment assets categories, including circuits, software, switches, land, and buildings, to determine the capital-related monthly cost of depreciation, cost of money, and income taxes (i.e., to ensure the appropriate cost of money is provided after accounting for the impact of income taxes). The Bureau sought comment in the virtual workshop on the reasonableness of the ACFs and the methodology used to calculate the ACFs. Below the Bureau adopts the specific inputs for depreciation, income taxes, and cost of money to be utilized in calculating the ACFs.

(i) Depreciation

73. In the *CAM Platform Order,* the Bureau concluded that the CAM should determine terminal value ''based on 'book value' calculated as the difference between investment and economic depreciation, which takes into account the economic life of the equipment and infrastructure.'' Utilizing such an approach reflects the likelihood of failure of a particular piece of capital equipment, rather than its straight-line accounting lifetime. The methodology the Bureau adopted for the CAM in the *CAM Platform Order,* therefore, is consistent with the methodology used in the past by the Commission and calculates book depreciations using Gompertz-Makeham survivor (mortality) curves and projected economic lives, adjusted so that the average lifetime of the asset falls within the range of expected accounting lifetimes authorized by the Commission. The Bureau noted that this approach was supported in the record.

74. ACA contends that the input assumptions should be updated to remove the negative future net salvage values, because the CAM uses the low end of project equipment lives. Instead, ACA recommends that the future net salvage rates used in the CAM be modified to adopt the high end of the salvage rate range for asset classes where the high end of the salvage rate range is zero or positive, and adopt a salvage rate of zero for asset classes where the high end of the salvage rate is negative. The Bureau disagrees. Adopting a salvage rate of zero for certain asset classes, rather than a negative salvage rate, implicitly assumes that there is no cost associated with removing those assets at the end of their usable lives. Ignoring the fact that carriers face actual costs to remove certain assets would be akin to ignoring the cost of placing the asset and would result in a flawed estimate of cost recovery.

75. ACA further recommends that the CAM use lower starting year prices for capital equipment, given that the prices used by the model will be more than two years old by the time Phase II support is distributed, and include a mechanism that reduces capital equipment prices over time to reflect deflation in equipment pricing. The Bureau declines to adopt both these proposals. As explained in the Bureau's response to the Hogendorn peer review, even after analyzing potential price fluctuations using extreme values, overall costs are unlikely to increase or decrease significantly. Further, to the extent that either the funding benchmark or the extremely high cost threshold is raised, the range over which prices are likely to move also is raised, lowering the extent to which the assumption of zero cost changes potentially overstates costs, and increasing the likelihood that they will understate costs. Therefore, using a fixed cost for capital equipment, in conjunction with the CAM's assumptions of a fixed cost for other inputs like labor, provides a consistent representation of the cost of this input over the five-year funding period and will have minimal, if any, effects on overall costs.

(ii) Income Taxes

76. Federal and state income tax rates are included in the ACF calculation so that when the ACFs are applied, the model provides a post-income-tax rate of return for each plant category. The Bureau concludes that adopting the marginal federal corporate income tax

rate of 34 percent and a marginal state income tax rate averaged across all states of 5.3 percent is reasonable and supported by the record. The ABC Coalition supported the use of these income tax rates, and no party objected to their use.

(iii) Cost of Money

77. Versions one through 3.1 of the CAM assumed a nine percent cost of money in setting the default ACF input values, calculated with a ratio of debt to equity of 25:75, 9.7 percent cost of equity, and 7 percent cost of debt. CAM v3.1.2 through v3.1.4 provided users the option of selecting ACFs that assume a nine percent cost of money, calculated with the same debt to equity ratio of 25:75, or an eight percent cost of money, calculated with a ratio of debt to equity of 45:55, 9.48 percent cost of equity, and 6.19 percent cost of debt. CAM v4.0 adjusted the default input for the cost of money to 8.5 percent.

78. The ABC Coalition, through its submission of the CQBAT model and virtual workshop comments, advocated for the use of a nine percent cost of money input when calculating ACFs. Conversely, ACA, in response to the *Model Design PN,* contended that an appropriate cost of money input for purposes of calculating ACFs should be between five percent and seven percent. Both parties agree that the rate adopted by the Bureau should be the same for all price cap carriers.

79. In a 2013 staff report, the Bureau explained that a reasonable analytical approach would establish a zone of reasonableness for the cost of capital between 7.39 percent and 8.72 percent for rate-of-return carriers, calculated with a debt to equity ratio based on the market value of carriers' capital structure. Based on that analysis and other factors, the Bureau recommended that the authorized rate of return should be selected in the upper half of this range, between 8.06 percent and 8.72 percent. This suggested range is lower than the Commission's previous 11.25 percent rate of return for all incumbent LECs, which was adopted in 1990 when incumbent LECs were operating as regulated monopolies.

80. The Bureau finds that the methodology used in the 2013 staff report in the rate represcription proceeding is a helpful tool for determining a reasonable return for price cap carriers accepting model-based support. Applying this methodology solely to data from the price cap carriers yields a zone of reasonableness for a cost of money for price cap carriers between 7.84 percent and 9.20 percent. The Bureau concludes that a reasonable approach is for the CAM to use a unitary cost of money at approximately the midpoint of that range, 8.5 percent. The Bureau believes that adopting an 8.5 percent cost of money, rather than a figure at the lower end of the zone of reasonableness, recognizes that this number will effectively be locked in for the next five years and accounts for the fact that the data used to calculate the zone of reasonableness reflects a time of historic lows. The Bureau takes this action solely for purposes of finalizing the input values for the cost model, and our action today in no way prejudges what action the Commission may ultimately take in the pending rate represcription proceeding.

81. The Bureau is not persuaded by PRTC's argument that the rate of return used in the CAM should remain 11.25 percent. PRTC argues that a lower rate of return does not account for the actual market conditions it faces, due in part to the fact that it is still heavily dependent upon traditional telecommunications revenue streams and therefore faces different risks than the larger price cap carriers that are market leaders in video and wireless services. Even if the Bureau were to accept PRTC's argument that it is less diversified than the other price cap ILECs, that argument by itself does not necessarily justify a higher rate for PRTC. The cost of capital, according to well-established portfolio theory, does not depend on the overall risk of a company, but rather on portion of the overall risk that cannot be diversified away. That portion, known as the non-diversifiable, or systematic, risk is the risk that an investor could not offset through the purchase of other assets. Investors are assumed to diversify by holding a portfolio of assets, and only to the extent that an investor is unable to diversify away the risk of any individual asset by so doing should there be an expectation of a return on an investment in an asset that is commensurate with that non-diversifiable risk, according to this theory. Companies for which the rate of return on an investment in its stock is expected to change by less than the market rate of return have less systematic risk and a lower cost of capital than the average company, while companies for which the rate of return on an investment in its stock is expected to change by more than the market rate of return have greater systematic risk and a higher cost of capital than the average company.

82. PRTC asserts that it has a higher cost of capital and therefore requires a higher rate of return than the other price cap ILECs because it is less diversified than the others. The Bureau cannot accept this argument absent a showing that PRTC's systematic risk is greater than the systematic risk of the typical price cap ILEC. While a company's systematic risk will vary depending on the services that it offers, there is nothing in the record that would enable us to conclude that the systematic risk of a telecommunications company that derives a relatively large fraction or even all of its revenues from traditional phone services, and a small fraction or none from other services, is greater or lesser than that of a company that derives a relatively small fraction of revenues from traditional phone services and a relatively large fraction from other services. Thus, the record does not demonstrate whether PRTC has a higher or a lower cost of capital than the other price cap ILECs as a result of being less diversified than the other price cap ILECs.

3. Opex Input Values

83. In this section, the Bureau addresses the model inputs related to operating expenditures. The CAM estimates opex incurred by an efficient provider using a forward-looking network in the provisioning of voice and broadband by developing opex factors. These factors vary by company size and by a rural, urban, or suburban classification. The network opex factors and G&A factors are applied to capital investment estimates calculated by the CAM to determine monthly operating costs. In other words, the total investment is multiplied by a factor to determine network operating costs under the assumption that providers with larger networks have higher total operating expenses; G&A costs are calculated the same way. The customer operations marketing and service operating expenses and bad debt are expressed as dollar amounts of expense per location. The customer operations marketing and service operating expenses and the bad debt operating expense per customer are derived based on factors applied to an assumed ARPU for broadband and voice services. As discussed below, the Bureau adopts CAM v4.1.1's methodology for calculating opex, as well as its opex input values.

a. Network Operations Expense Factors

84. Network operations expense includes both plant specific expenses and plant non-specific expenses. Plant specific expenses include expenses related to the operation and maintenance of telecommunications plant. Plant non-specific expenses include network operations expenses

such as network administration, testing, and engineering. They also include general support and network support expenses such as provisioning, network operations, depreciation, and amortization expenses for land and buildings, office furniture and equipment, general purpose computers, and vehicles.

85. The Bureau adopts the CAM's approach of calculating network operations expense factors by determining the relationship between capital investment and ongoing cost to operate and maintain the plant. This approach is similar to the HCPM, which also calculated plant specific opex as a ratio to capex. The Bureau also adopts the plant specific and plant non-specific network operations inputs used in CAM v4.1.1 which were initially developed based on NECA data from 2008 to 2010, and supplemented with additional data sourced from ARMIS and third party sources. As described in the methodology documentation, model inputs were scaled so that the model-calculated opex figures reflect NECA data from 2008 to 2010 and ARMIS data for 2007 and 2010. Such calculations were based on model runs for a copper-based network to reflect the dominant technology deployed during the time the source data were drawn. These values were then adjusted to reflect the costs associated with a FTTP, rather than a copper-based deployment. These factors were all derived to adjust for size, density, and location.

86. The Bureau sought comment in the virtual workshop on the CAM's methodology for calculating network operations expense factors and the associated input values. ACS and PRTC objected to the company-size adjustments made to the opex factors for medium companies. They claimed that the use of a negative factor for medium companies (relative to large companies) means that the model calculates opex costs that are lower than large companies, suggesting that medium companies are more efficient than large companies. In fact, as shown in the September 12th webinar presentation that Bureau staff presented to state regulators, the opex per location for medium companies is generally larger, often much larger, than that of the large companies for the reasons set forth below.

87. The medium company size adjustment is a negative factor in relation to larger companies, because medium companies as a whole have greater capex (per location) costs than larger companies. Since opex is calculated as a product of capex multiplied by the opex input, if capex is higher, then with no adjustment opex will be higher as well even for the same opex input. In the cost study used to determine opex values, the capital intensity (capex per active loop) was significantly higher for companies in the medium group than in the large group ($1,429 for the large vs. $2,117 for the medium). While the opex per loop for plant specific and plant non-specific opex was higher for medium companies, it was not as great as the difference in capex per loop; therefore the adjustment for medium companies for those categories is negative (−26.96 percent). In CAM v4.1.1, the difference in capital intensity remains ($1,281.25 for large, compared to $1,800.43 for medium). The resulting average operating cost per demand location in CAM v4.1.1 for large is $5.26 and for medium is $5.66. The Bureau therefore believes that the adjustment downward in the opex factor for medium companies is appropriate.

b. General and Administrative Expenses

88. General and Administrative (G&A) expenses are expenses of the day-to-day operations of a carrier. These expenses include such expenses as accounting and financial services, insurance, utilities, legal expenses, procuring materials and supplies, and performing personnel administrative activities.

(i) Development of General and Administrative Factors

89. The Bureau adopts the CAM's approach of employing a weight against investment to calculate G&A opex. As with network operations expense, the factors were calculated by company size and scaled to reflect providers' reported costs. The Bureau also adopts CAM v4.1.1's input values for G&A expenses.

90. The Bureau sought comment on the CAM's methodology for calculating G&A factors and the associated input values, and no party objected to the methodology. The ABC Coalition supports the values that CAM v4.1.1 uses for G&A, while ACA argues that the G&A input values overstate costs for large companies. ACA appears to assume that the CAM opex factors are not scaled based on size, as it claims that larger companies with higher revenues are able to take advantage of operating leverage and pay less for G&A expenses and overstating costs would incentivize carriers to operate inefficiently. In fact, the CAM does take into account the disparity in costs by scaling the G&A factors based on size; and, as noted, since G&A ultimately depends on the investment for each carrier, carriers with lower investment per location will have lower G&A per location as well. The G&A factors were developed separately for each size class of carrier, resulting in lower G&A factors for larger carriers. CAM v4.1.1 calculates the average monthly G&A costs per location for large companies as $4.43, for medium companies as $6.05, and for small companies as $10.28.

(ii) State Property Tax Adjustment Factors

91. The CAM also adjusts the G&A factors to account for the fact that property taxes, which are usually accounted for as a subset of G&A operating expense, vary by state. The Bureau adopts the CAM's use of state property tax factors and the input values it uses for these factors to reflect the impact of property tax on opex, given the difference of state rates versus the national average. To develop the factors, the average property tax per state was determined, and then applied to the net plant in service to determine the implied property tax expense by state. These figures were then compared to an overall national weighted average property tax rate to develop state-specific factors.

92. The Bureau sought comment on the CAM's use of state property tax factors and their associated values in the virtual workshop. Parties agree that the use of state property tax factors is reasonable given the wide variety in state property tax rates. However, ACS and PRTC also claim that property tax should be separately calculated ''in a manner that is consistent with how it is levied.'' They provide as an example the method of estimating property taxes by applying an ''Other Operating Tax Factor'' to investment, calculated based on a ratio of the balances of their other operating taxes account and their total plant in service account. But ACS and PRTC failed to explain how their methodology is applicable to a forward-looking cost model, and why that method would provide more appropriate results.

93. The ABC Coalition supported the use of the values the CAM utilizes for the state-specific factors. ACS and PRTC claimed that they are unable to assess the validity of the values the CAM uses for state-specific factors due to a lack of documentation of the analyses, data, and methodologies used to develop G&A and the property tax factors. The carriers also argued that although they were unable to separately assess the costs that CAM estimates for property tax, the total G&A expense amount estimated (at that time, in CAM v2.0) understates their current costs for Alaska and Puerto Rico. As discussed above, the Bureau has provided reasonable access to the underlying

data, assumptions, and logic of the model as required by the Commission, while still preserving the confidentiality of some of the underlying data provided by carriers. Although the Bureau has since posted documentation that describes in detail the methodology that the CAM uses to develop property tax factors, ACS and PRTC did not provide any further information about how their companies' property tax costs compare. The Bureau thus finds no basis to adopt their proposal.

c. Customer Operations Marketing and Service Operating Expenses

94. Customer operations marketing and service operating expenses include such expenses as produce management and sales, advertising, operator services, and costs incurred in establishing and servicing customer accounts. The Bureau adopts the CAM's approach of calculating customer operations and marketing on a per-subscriber basis. The Bureau further adopts $6.81 per location passed as the appropriate amount.

95. The Bureau sought comment on the CAM's methodology for determining customer operations marketing and service operating expenses and the associated input values in the virtual workshop. No party objected to the methodology, and the ABC Coalition supported the use of the expense input values that were used for the CAM at the time, noting that the ratio developed using ARMIS data of expenses to revenue continues to be consistent with their experience. While the Bureau made minor adjustments to these input values in CAM v4.1, the difference is not material to overall cost calculations.

d. Bad Debt Expense

96. Bad debt expense represents the amount of revenue that carriers are unable to collect from their customers. The Bureau adopts CAM v4.1.1's $1.05 per location passed cost for bad debt. The Bureau sought comment on the CAM's methodology for calculating bad debt expense as 2 percent of assumed average revenue per user, and no party objected to this methodology.

C. Treatment of Non-Contiguous Carriers

97. In the *USF/ICC Transformation Order,* the Commission recognized that price cap carriers serving specific non-contiguous areas of the United States—Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands and Northern Marianas Islands—face different operating conditions and challenges from those faced by carriers in the contiguous 48 states. As a result, the Commission directed the Bureau to consider the unique circumstances of these areas when adopting a cost model and whether the model provides sufficient support for carriers serving these areas. If, after considering these issues, the Bureau determined that ''the model ultimately adopted does not provide sufficient support to any of these areas, the Bureau could maintain existing support levels'' to any affected price cap carrier, so long as support for price cap areas stayed within the overall budget of $1.8 billion per year.

1. Cost Adjustments for Non-Contiguous Areas

98. At the outset, the Bureau recognizes that earlier in the model development process, ACS, PRTC, and Vitelco contended that any national broadband cost model developed by the Bureau would be unable to adequately account for the unique challenges of deploying and offering broadband services in non-contiguous areas. As a result, each of the carriers submitted its own cost model and encouraged the Bureau to utilize its respective model when allocating support to Alaska, Puerto Rico, and the Virgin Islands. The Bureau declines to do so. Rather than modeling the cost for a FTTP network, as previously decided by the Bureau, the cost models submitted by PRTC (''BCMPR'') and Vitelco (''USVI BCM'') estimate the cost of a forward-looking DSL network and a hybrid fiber coaxial network, respectively. Moreover, the ACS model simply estimates the cost of middle mile microwave, satellite, and undersea cable transport facilities in Alaska, rather than modeling the cost of an entire network. Further, none of the models filed by these non-contiguous carriers calculate costs at the census-block level or smaller or contain the functionality to exclude unsubsidized competitors. Therefore, none of the submitted models meet the criteria laid out by the Bureau to estimate the costs of constructing a forward-looking FTTP network capable of providing both voice and broadband service.

99. Instead, the Bureau has modified the CAM to reflect the unique operating conditions and challenges faced by price cap carriers in Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, and the Northern Marianas Islands. Throughout the model development process, these carriers have filed information regarding the unique costs of providing both voice and broadband service in their respective service areas. In accordance with the Commission's direction, the Bureau has carefully studied this information, while making those modifications we deemed appropriate to take into account their unique geographic circumstances. The Bureau also has examined the embedded costs of these carriers in order to provide us with a historical view of the costs associated with serving these areas. The Bureau believes that the totality of our work over a nine-month period has provided us with a better understanding of the issues facing non-contiguous carriers in their service areas. Below, we discuss this analysis in greater detail and adopt a number of inputs specific to non-contiguous areas.

a. Plant Mix

100. Several non-contiguous carriers suggested that the model should incorporate ''forward-looking'' plant mix values for their areas that are significantly different than their current plant mix values. For example, ACS stated that, because it deploys fiber exclusively within a conduit, it classifies any deployment in a conduit as underground in its records. Similarly, Vitelco argued that underground plant is necessary to protect fiber against extreme temperatures and humidity, high salt concentration in the air, and frequent tropical storms and hurricanes in the Virgin Islands. While the Bureau agrees that it is appropriate to use forward-looking plant mix values, it questions whether an efficient provider would in fact fully deploy underground plant in situations where it is cost effective to bury such plant. Therefore, in CAM v4.0, the Bureau modified the approach to plant mix inputs for non-contiguous areas to reflect a hybrid of the current plant mix values of non-contiguous carriers and the forward-looking plant-mix values they submitted. This hybrid approach assumes that the amount of underground plant in non-contiguous areas will not exceed a carrier's current amount of underground plant, and if the carrier-submitted forward-looking values for underground plant are higher than current values, the excess is shifted into buried plant. Additionally, in response to comments submitted by several non-contiguous carriers, CAM v4.0 was modified to allow for the addition of conduit to fiber in buried plant. The same approach is used in CAM v4.1.1.

101. Today, the Bureau adopts CAM v4.1.1's hybrid approach to plant mix for all non-contiguous areas, as well as its use of ''buried in conduit'' plant. The Bureau concludes that the hybrid approach to plant mix recognizes that, in non-contiguous areas it may be appropriate to move some plant from aerial to buried, and to encase buried fiber in conduit for additional protection. This approach is more

appropriate than assuming more fiber is moved into underground plant with underground vaults and man-hole or hand-hole access with costs that are typically three to five times more costly than buried plant.

b. Undersea and Submarine Cable

102. In CAM v3.2, the Bureau added the capability to model the investment and cost for ''undersea cable'' and landing station facilities needed to transport traffic to and from landing stations in non-contiguous areas to landing stations in the contiguous United States. CAM v3.2 modeled undersea cables: from Alaska to Oregon and Washington; from the Northern Marianas to Guam and from Guam to Oregon; from Hawaii to California; from the U.S. Virgin Islands to Puerto Rico and from Puerto Rico to Florida; and from Puerto Rico to Florida. The Bureau augmented this capability in CAM v4.0 by modeling intrastate middle mile routes requiring an underwater connection between islands in Hawaii, Puerto Rico, the U.S. Virgin Islands, and the Northern Mariana Islands, and to connect Anchorage to Juneau and the Kenai Peninsula. The model was modified to include ''submarine cable'' costs and the cost for two beach manholes on each intrastate middle mile submarine route.

103. The Bureau concludes that adopting the inputs for both undersea and submarine cable costs recognizes that carriers serving non-contiguous areas incur significant middle mile costs not faced by contiguous carriers. However, the Bureau notes that these inputs do not include all of the costs advocated for by non-contiguous carriers. For example, the CAM does not assume full landing stations, with routing facilities and room for co-location, at submarine cable landing sites; instead, since the middle-mile routes run between central offices that already have such facilities, the Bureau concludes that an efficient provider would use less costly beach manholes, eliminating the need for duplicative facilities to provide multiplexing, routing, or co-location.

104. Beginning with CAM v3.2, the model estimated the cost attributable to the voice-and-broadband network the Bureau is modeling for transport to and from the contiguous United States by applying a percentage-use factor based on highest total capacity and highest lit capacity of existing fiber cable systems. Because the Alaska route and the Northern Marianas to Guam portion of the Northern Marianas route are not shared with any international traffic, CAM v3.2 included the same share of cost for this portion of the middle-mile network as the rest (i.e., 50 percent) for the costs of connecting Alaska to Oregon and Washington, the Northern Marianas to Guam, and the U.S. Virgin Islands to Puerto Rico.

105. HTI argues that the CAM should be based only on lit capacity of fiber that an efficient provider would be expected to utilize in the future. Additionally, HTI contends that the allocation process is inconsistent with the forward-looking methodology used by the CAM because the 50 percent sharing factor understates projected Hawaii usage. In particular, HTI states that it is a minor provider of interstate, interLATA special access, and private line services, and it does not possess the market power to capture a 50 percent market share for those services.

106. The Bureau disagrees that the CAM-calculated cost should be based only on the current lit-fiber capacity, rather than total capacity. HTI's argument that the Bureau should only take lit fiber into account is based on the idea that the owner of the fiber will only light the amount of capacity that it has to date. In fact, if demand grows, the owner of the fiber will light more capacity to meet that demand (at relatively low cost) rather than building an entire new international cable (at relatively high cost). Thus, the Bureau concludes a methodology that takes into account both lit and total capacity is appropriate. The Bureau also disagrees with HTI that the methodology is inconsistent with a forward-looking model. The Bureau notes that the demand it uses is a forecast of demand, thus aligning the cost it calculates with the demand it expects in the future. As a result, the Bureau adopts CAM v4.1.1's allocation methodology.

107. ACS argued that the CAM underestimates the percentage of total forward-looking capital costs for undersea cable that are allocated to supported voice and broadband services. The calculation used by the CAM allocates 50 percent of total Alaska traffic traveling over ACS's undersea cable to voice and broadband services and 50 percent to other services such as special access and wireless backhaul. The 50 percent allocated to voice and broadband services is then applied to the percentage of locations in Alaska actually served by ACS—approximately 67 percent—to determine the proportion of total undersea cable voice and broadband traffic carried by ACS—approximately 34 percent. This number is divided by the total amount of Alaska traffic assumed to be carried over ACS's undersea cable (100 percent) to determine the percentage of undersea cable costs that are allocated to the delivery of supported voice and broadband services by ACS. Instead, ACS asserted that, because of the presence of a subsidized competitor in its service areas, the model should assume that approximately 67 percent of the overall traffic between Alaska and the mainland travels over the cable owned by ACS, rather than 100 percent of the traffic. Using CAM v4.1.1's methodology, this modification would result in 50 percent of the undersea cable costs being allocated to eligible voice and broadband service deployed by ACS, rather than 34 percent.

108. The Bureau is not persuaded by this argument. Adopting ACS's proposal essentially would mean that the Bureau assumes the construction of an entirely new undersea cable to connect to the mainland areas in Alaska served by rate-of-return carriers, which makes little sense economically. Further, allocating the total traffic between Alaska and the mainland in this fashion suggests that ACS is unable to compete with the subsidized carrier in its service areas, as the Bureau would expect an efficient provider to be able to do. As a result, the Bureau adopts CAM v4.1.1's allocation methodology.

c. Terrain Methodology

109. As discussed above, the methodology the Bureau adopts for determining the rock hardness for a given census block group in the contiguous United States is whichever type of rock is listed most frequently for the list of STATSGO map units in the census block group, regardless of the geographic area of the individual map units. Several carriers serving the non-contiguous areas—ACS, PRTC, and HTI—requested that the model treat 100 percent of their terrain as ''hard rock,'' the most expensive terrain in which to place plant. The Bureau has concerns that this approach would significantly over-estimate the actual amount of hard rock in these areas. In CAM v4.0, the Bureau developed a modified approach for determining the appropriate rock hardness for census block groups in non-contiguous areas; this methodology was not changed in CAM v4.1 or v4.1.1 for non-contiguous carriers other than Vitelco. This new methodology considers the entire census block group in a given non-contiguous area to be hard rock if at least fifty percent of the area is identified as hard rock.

110. The Bureau generally adopts CAM v4.1.1's methodology for calculating rock hardness in non-contiguous areas except the Virgin Islands. The Bureau finds that this approach addresses issues with the

differences in terrain data for census block groups in non-contiguous areas compared with those in contiguous areas, particularly the fact that the size of some of the block groups in non-contiguous areas and the associated STATSGO map units are much larger than in the contiguous United States. For example, in Alaska it would be possible to have a substantial fraction of an area described as hard rock in the STATSGO database, but because of multiple map units would be contained within the census block group, the block group may not have hard rock as the most commonly occurring value. Therefore, the Bureau believes an area-based measure is appropriate to determine the proper rock hardness outside the contiguous United States.

111. However, the STATSGO map data used by the model to calculate rock hardness in non-contiguous areas does not include terrain data for the Virgin Islands. Vitelco stated that the CAM should be modified to capture the actual terrain characteristics of the Virgin Islands. Because of the need to undertake significant additional work to examine the soil composition data available for the Virgin Islands in order to determine the relationship between the terrain mix and the cost of deploying a communications network in the Virgin Islands, CAM v4.1 incorporated a new methodology for approximating terrain mix data in the Virgin Islands, and the same approach was used in CAM v4.1.1. This methodology assumes that the mix of terrain types in the Virgin Islands is similar to the mix of terrain types in Puerto Rico. The model utilizes the terrain mix from Puerto Rico to determine a weighted average structure labor cost by density zone for buried and underground plant. For example, Puerto Rico has 27 percent normal soil, 40 percent soft rock or medium, and 33 percent hard rock. Those weights are applied, in this example, to the default inputs for rural buried plant—$3.11 for normal, $3.77 for soft rock and $5.19 for hard rock. The results are then combined to find the terrain-adjusted cost of $4.06 for rural buried plant in the Virgin Islands.

112. The Bureau adopts the terrain approximation methodology used in CAM v4.1.1 for the Virgin Islands. The Bureau acknowledges that Vitelco suggested that it look to a soil survey from the National Resources Conservation Service and the new STATSGO2 database to assist us in determining the actual terrain characteristics of the Virgin Islands. The Bureau notes that, while these are adequate sources for determining the geologic composition of the territory, they provide no additional detail regarding how expensive excavation and other constructions costs would be in these types of soil, and Vitelco has provided no additional explanation as to how it should or could use this information to determine those costs. As a result, considering the geographic proximity and similar geologic composition of the Virgin Islands and Puerto Rico, the Bureau concludes that the weighted average approach we adopt today is reasonable approximation for the Virgin Islands.

d. State-Specific Inputs

113. Vitelco advocated for a number of specific adjustments to the model throughout the development process to better reflect the cost of providing service in the Virgin Islands. In particular, Vitelco filed data on materials and labor unit costs, claiming that the data reflected the actual costs it faced from contractors for the provisioning and installation of outside plant facilities. CAM v4.0 incorporated an updated capex workbook specific to the Virgin Islands, reflecting a number of cost increases to certain capital expenses associated with the build out of a FTTP network in the territory, but did not include any labor adjustments. CAM v4.1 modified a number of these state-specific inputs for the Virgin Islands, including adjusting the number of poles assumed by the model to reflect the spacing associated with 35 foot poles and using the default input values associated with the structure sharing table, FTTpFill input, and duct labor input, and the same approach was used in CAM v4.1.1.

114. The Bureau adopts the state-specific capex workbook utilized by CAM v4.1.1. The Bureau concludes that, though some of the cost adjustments it makes for the Virgin Islands appear large—for instance, the increased cost of poles—these costs are reasonable given that the small size of the islands creates a lack of scale and a dearth of local sources for materials. The Bureau remains unconvinced that the labor costs should be adjusted upward. Increasing labor costs as proposed by Vitelco would give the Virgin Islands the highest labor rates of anywhere in the country by a significant margin, particularly when compared to incomes. While the Bureau recognizes the challenges of obtaining skilled labor for network expansion, it is not persuaded that an efficient provider would have labor costs as high as that proposed by Vitelco. As a result, the Bureau declines to adopt Vitelco's proposed labor adjustments.

115. Several other non-contiguous carriers voiced concerns that the model versions to date have underestimated the cost of deploying voice and broadband in their service areas. These carriers also submitted input values for material and labor costs that they claim reflect the cost of providing service in their respective areas. Though the Bureau adopts a state specific capex workbook for the Virgin Islands, it is not convinced that further adjustments to the material or labor costs used by the model for any of the non-contiguous carriers is appropriate.

116. The objective of a forward-looking cost model is not to model how much it costs a specific provider to serve its area, but how much it would cost an efficient provider to do so. The difficulty, of course, is determining what it would cost for an efficient provider to operate. As a general matter, the Bureau believes that it is useful to compare model costs to embedded costs, based on the assumption that a modern network would cost no more than the historical network. Given the embedded costs for carriers in non-contiguous areas such as Alaska, Puerto Rico, and Hawaii, it appears that the current version of the model is capturing costs reasonably well in these areas, despite the fact that the Bureau is not using the inputs submitted by carriers serving these areas. For example, the loop costs calculated by CAM v4.0 are within one percent of the loop costs reported to NECA by ACS. Conversely, if the Bureau were to use the state-specific inputs submitted by ACS in our model, the cost of the loop network in Alaska would be 76 percent higher than ACS's embedded costs. Similarly, using the state-specific inputs submitted by PRTC results in the cost of the network exceeding both PRTC's embedded costs and the costs from PRTC's own forward-looking cost model for a DSL network.

117. Some carriers have filed receipts reflecting their actual costs for materials and labor, which they argue lends support to fact that the model should include their state-specific input values. However, the Bureau is unconvinced that these receipts are generally representative of the costs of building an entirely new FTTP network from the ground up. The comparisons to embedded costs are illuminating here. If the unit costs provided did represent the cost of an entirely new network in these areas, then the Bureau would expect embedded costs to be substantially higher. Because the Bureau has no reason to doubt the veracity of these filings, it believes that the receipts it has received relate to the cost to the

carrier of replacing individual pieces of a network, rather than the wholesale cost of constructing an entirely new network. For example, on a per unit basis, it is cheaper to purchase and install all the poles for a network at one time, rather than to purchase and install one replacement pole when needed. Similarly, the Bureau expects on a per-unit basis that it will be far more costly to splice only one or two fibers at a time when compared with the cost of building an entirely new FTTP network.

118. ACS in particular has attacked our use of embedded costs as a comparison for forward-looking costs. The question the Bureau seeks to answer is whether the proposals made by ACS and other non-contiguous carriers lead to reasonable outcomes. In particular, ACS argues that ''historic loop costs are informative only of the largely depreciated costs of a portion of a network based on an outmoded technology.'' The Bureau agrees that embedded costs are based on an outmoded technology; however, there are many reasons to believe that the cost of a modern network should not be higher than the costs of the older network. First, while labor costs have increased over time, as ACS argues, there are offsetting gains in labor productivity and in the cost-capability of network equipment. Second, a forward-looking cost model, by its nature, assumes the use of clustering and routing that will lead to more efficient utilization of network equipment and fewer network assets overall—i.e., lower costs. Finally, as ACS notes, the Bureau adopted GPON FTTP as the network technology of choice, in large measure because that technology has much lower operating expenses. In total, this provides ample reason to expect forward-looking costs to be lower than embedded costs.

119. The Bureau also recognizes that embedded costs will fall as a network depreciates. Comparing levelized forward-looking costs to only one or two years of embedded cost could indeed provide a skewed perspective, particularly for a carrier that has depreciated plant more quickly than it has made investments. However, over a long-enough period of time, the average of embedded costs reflects the cost to serve that area over that period of time, albeit perhaps with an older technology. The Bureau compared modeled forward-looking costs to the average of ACS's embedded costs over almost 20 years. Given that long timeframe, including some time periods where there was greater investment and greater embedded costs, the Bureau concludes that the average of embedded costs is a good measure of the ongoing cost to provide service in these areas with the embedded network, which is a useful guide as to the maximum cost to provide service in a forward-looking model. Further, the current inputs used by the model actually produce a forward-looking loop cost for ACS above its embedded cost, so the Bureau is not using embedded cost as a hard cap, as ACS seems to believe.

120. In its latest filing, ACS argued that the Commission previously rejected the use of embedded costs to calculate forward-looking costs. Specifically, ACS notes that while ''the estimation of forward-looking expenses may start with embedded costs, limiting forward-looking costs based on embedded costs would violate Commission policy that federal support should be determined based on forward-looking costs.'' Indeed, the Commission previously stated that it did not believe ''that the cost of maintaining . . . embedded plant is the best predictor of the forward-looking cost of maintaining the network investment predicted by the model.'' However, in doing so, the Commission explained that it would not use this data because it could not determine ''how much of the differences among companies are attributable to inefficiency and how much can be explained by regional differences or other factors.'' The Commission's rejection of embedded costs, therefore, was predicated on the concern that incumbent LEC embedded costs would be too high and might reflect inefficient operations more than they reflect the cost associated with any given area. Thus, our use of embedded costs as a tool to evaluate the reasonableness of proposed adjustments to the model is in fact completely consistent with Commission precedent. ACS's arguments that costs could be much higher than embedded costs, however, are not.

e. Company Size

121. The approach the Bureau adopts above to calculate network operations expense factors considers the relationship between capital investment and ongoing cost to operate and maintain the plant. ACS objected to the company-size adjustments made to the opex factors for medium companies, stating that the use of a negative factor for medium companies (relative to large companies) results in the model calculating opex costs that are lower than large companies, which suggests that medium companies are more efficient than large companies. In addition, ACS argued that, given its continued line loss, remote and largely rural service area, and heavy reliance on high-cost support, it should instead be considered a ''small'' carrier for purposes of calculating its opex. In CAM v4.0, the Bureau shifted ACS from the ''medium'' carrier category to the ''small'' carrier category. This same approach was used in CAM v4.1 and v4.1.1.

122. Today the Bureau adopts CAM v4.1.1's approach to company size for ACS. After analyzing the model's results, the Bureau finds that this approach more accurately reflects ACS's forward-looking opex costs. For example, classifying ACS as a medium company captures only 60 percent of ACS's total opex costs as reported to NECA; conversely, reclassifying ACS as a small company captures 76 percent of ACS's total opex costs. As a result, the Bureau believes classifying ACS as a ''small'' carrier rather than a ''medium'' carrier allows the model to properly calculate the company's opex.

2. Election of Frozen Support for Non-Contiguous Areas

123. As described above, the Bureau adopts a number of inputs specific to non-contiguous areas for use in the CAM. The Bureau believes these inputs generally reflect the unique costs and circumstances of serving non-contiguous areas and, as such, do not believe any additional specific changes proposed by non-contiguous carriers are appropriate based on the evidence in the record.

124. Consistent with the Commission's directive, the Bureau has also evaluated the sufficiency of the support calculated by the model. The model development process has been ongoing for almost two years, with the Bureau having responded to dozens of filings, ex parte presentations, and comments in a Virtual Workshop in order to refine and calibrate the model. With respect to non-contiguous areas in particular, the Bureau has worked intensively over the last nine months to make adjustments to the model to take into account the unique costs and circumstances of serving non-contiguous. At the same time, questions have been raised recently specifically about whether the model accurately accounts for wireline terrestrial middle mile costs in Alaska. The Bureau does not expect to be able to resolve such questions quickly. Questions also continue to be raised by several carriers regarding whether model-calculated support would be sufficient in the areas they serve.

125. The Bureau is mindful that continuing work on the model delays the day when the offer of support is

made to the price cap carriers and delays the time when consumers across the nation will newly have access to broadband services. As noted above, the Commission delegated to the Bureau the authority to maintain existing support levels for any non-contiguous carrier for which the model did not provide sufficient support. The Bureau therefore makes available to all non-contiguous carriers the option of choosing either to continue to receive frozen support amounts for the term of Phase II, or to elect or decline the model-determined support amount.

126. The Bureau recognizes that for several of the non-contiguous carriers, the amount of model-determined support is greater than frozen support. For purposes of ensuring that the Bureau does not exceed the overall budget for the offer of support when we determine the final list of eligible blocks after the challenge process, it will require each non-contiguous carrier to notify us within 15 days of resolution of the associated service obligations whether it will choose to elect to continue to receive frozen support for the term of Phase II.

127. The Bureau previously sought to develop the record on what the service obligations should be for these carriers, should they be provided frozen support. In light of our decision today to provide this option, further consideration of this question is now timely. To provide non-contiguous carriers with the requisite information to make an informed decision about whether to elect to receive frozen support or model-based support, the Bureau anticipates that the service obligations for carriers receiving frozen support would be determined prior to their having to make a decision whether to receive frozen support.

D. Identifying Supported Locations

128. In this section, the Bureau adopts the methodology for taking the results of the cost-to-serve module to determine support levels. The Bureau begins by discussing the methodology for calculating the average forward looking per-location cost of building voice and broadband-capable networks. The Bureau then explains the treatment of certain business locations and community anchor institutions.

1. Calculating Average Per-Unit Costs

129. The model calculates costs on a per-location-passed basis. It calculates the average cost-per-location for a given census block by dividing the total cost of serving customer locations (the fixed cost of passing all locations in a given area plus the variable cost associated with serving active subscribers) by the number of residential locations and small business locations in that census block, as discussed in more detail in the following section. The CAM gives users the option of unitizing costs by all residential/small business locations in an area or by active residential/small business subscribers, which takes into account an assumed subscription rate. The Bureau sought comment in the virtual workshop on unitizing costs by all locations. The Bureau concludes that unitizing costs by all locations is consistent with the Commission's general expectation that the supported providers would offer services with the desired characteristics to all supported locations. In addition, this approach means that the per-unit costs calculated by the model do not depend on the assumed subscription rate.

130. The Bureau concludes that this is a preferable approach than unitizing costs across active subscribers, as suggested by PRTC and ACS. The crux of PRTC and ACS's argument appears to be that the model should factor in the revenue that each carrier is expected to receive from customers when calculating support amounts. They argue that unitizing costs by active subscribers would ensure that carriers' support is calculated based only on the revenues carriers are actually receiving from customers. But they assume that the Bureau would adopt the same funding benchmark—based only on the assumed revenue per subscriber—regardless of whether costs are unitized by location or by subscriber. If instead the Bureau adopts a funding benchmark that takes into account both assumed revenues per subscriber and an assumed subscription rate, then the support per location will be the same regardless of whether costs are unitized by locations (using the methodology discussed below to calculate the funding benchmark) or by subscribers (using a market price per subscriber funding benchmark). As the Bureau discusses below, it adopts a funding benchmark that estimates the likely revenues available through reasonable end user rates, taking into account the assumed subscription rate. Thus, the Bureau has addressed PRTC and ACS's concern by adopting a benchmark that calculates support levels by accounting for the number of locations from which carriers will recover revenue, even though it calculates costs on a per-location-passed basis.

2. Treatment of Non-''Mass Market'' Locations

131. In the *USF/ICC Transformation Order,* the Commission established a performance goal of ensuring ''the universal availability of modern networks capable of delivering broadband and voice service to homes, businesses, and community anchor institutions.'' The Commission stated that it expected that eligible telecommunications carriers ''would provide higher bandwidth offerings to community anchor institutions in high-cost areas at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas,'' and would engage with community anchor institutions while planning their Connect America-supported networks.

132. To account for demand for such high speed connections, the CAM sizes its network by assuming dedicated fiber connections for ''enterprise locations,'' including certain business locations, community anchor institutions, and wireless towers, that are typically served by special access and private line or similar non-TDM-based services like Ethernet. Given the Commission's statement that it did not intend ''that the model will skew more funds to communities that have community anchor institutions,'' the Bureau finds that it is reasonable to exclude the costs of extending fiber to community anchor locations from cost-to-serve calculations. Locations served by such enterprise services, which includes direct Internet access, are also excluded from the unitization of the total middle mile cost of a census block to avoid location counts that are a mixture of residences and small businesses intermingled with enterprise locations.

133. If the Bureau were to include the costs specifically associated with serving anchor institutions in the model, any census block containing one or more anchor institutions would become more costly to serve than a census block otherwise identical but containing just residential locations. The net result would be that some census blocks that otherwise would be below the funding benchmark would become eligible for support, while at the same time other census blocks that otherwise would have been eligible for funding might become ineligible for the offer of model-based support because the average cost would now fall above the extremely high-cost threshold. This is precisely the skewed effect that the Commission sought to avoid.

134. But the model does account for the fact that price cap carriers will be using their networks to provide high speed service to enterprise locations when it makes its cost calculations for residential and small business locations. To determine the costs of shared last-mile network assets, the CAM

determines how many fiber strands are used by the various demand locations and allocates the cost of fiber and structure between special access and private line locations, and other locations (i.e., residential locations and those business locations assumed to be purchasing mass-market services), with support calculated based only on costs related to the latter group of locations. As described above, the model similarly captures the sharing of middle mile network by estimating that 50 percent of the costs of an interoffice route are attributable to enterprise services and are excluded from cost calculations.

135. The Bureau sought comment on the CAM's approach for sizing the network to account for enterprise locations and its exclusion of the costs of dedicated fiber to such locations from cost to serve calculations. The ABC Coalition supported the CAM's treatment of enterprise locations, and no parties submitted alternative proposals for how the CAM should account for such locations.

136. The Bureau concludes that this approach is the most reasonable way to implement the Commission's directive that the Phase II budget maximize the number of residences, businesses and anchor institutions that have access to robust, scalable broadband, while not skewing support towards communities with a greater number of anchor institutions. The Bureau finds that by sizing the network to assume a dedicated fiber to enterprise locations, the model reasonably captures the efficiencies of a network designed to serve all locations in an area and appropriately accounts for the fact that these locations typically require more bandwidth than a residential connection. At the same time, excluding the dedicated fiber costs of serving community anchor institutions from cost to serve calculations is an appropriate method to avoid potential distortions in which particular census blocks are funded over others.

E. Support Thresholds

137. In this section, the Bureau tentatively sets the funding benchmark for Connect America Phase II support at $52.50 per location and estimate that the extremely high-cost threshold will be $207.81 per location. We first establish the methodology for determining the funding benchmark. The Bureau then adopts two inputs—subscribership rate and ARPU—used in the methodology to calculate the benchmark. Finally, the Bureau calculates the budget available for Connect America Phase II and estimate the extremely high-cost threshold using that budget.

1. Budget

138. First, the Bureau determines that the budget used to set the extremely high-cost threshold will be approximately $1.782 billion. In the *USF/ICC Transformation Order,* the Commission established an annual funding target of $4.5 billion for high-cost universal service support. Within the $4.5 billion budget, the Commission set aside up to $1.8 billion annually for a five-year period to support areas served by price cap carriers. This amount includes the support that price cap carriers receive through the CAF–ICC. The Bureau forecasted that over a five-year period, from 2015 to 2019, price cap carriers will draw an average of roughly $50 million per year of support from the CAF–ICC recovery mechanism, and it sought comment in the virtual workshop on whether $50 million would be a reasonable amount of support to set aside. The only party commenting on this topic agreed that it is reasonable to set aside $50 million to recognize the average draw from the CAF–ICC recovery mechanism. In addition, the budget will include approximately $32 million per year from funds remaining from Connect America Phase I after completion of round two. The Bureau therefore concludes that approximately $1.782 billion in support will be available in price cap areas for Phase II. The Bureau reserves the right to update this budget, however, when it releases the results of the final model run after the challenge process, based on the most current information at that time regarding projected CAF–ICC support.

2. Methodology

139. Next, the Bureau adopts the methodology discussed in the Virtual Workshop for establishing a funding benchmark. The Bureau will first establish the funding benchmark based on where costs are likely to be higher than reasonable end user revenues and then determine the extremely high-cost threshold based on the available budget, consistent with the Commission's direction that the Bureau takes into account determine where costs are likely to be higher than can be supported through reasonable end user revenues alone. The alternative methodology—to first identify the extremely high-cost threshold, and then use the available budget to identify the funding benchmark—would not guarantee that the funding benchmark would end up at a level where costs are likely covered by available end user revenues. In addition, the language used by the Commission in providing guidance regarding the extremely high-cost threshold—that it ''anticipated that fewer than one percent of American households'' would be in census blocks exceeding the threshold—reflects a predictive judgment about the effect of the policy it adopted, not a strict mandate that the extremely high cost threshold be set at the 99th cost percentile. For those reasons, the Bureau finds that first establishing the funding benchmark and using that, in combination with the established budget for Connect America Phase II, is fully consistent with the Commission's instructions contained in the *USF/ICC Transformation Order* and produces a more reasonable outcome than the alternative.

140. As noted, the *USF/ICC Transformation Order* stated that the funding benchmark should ''identify those census blocks where the cost of service is likely to be higher than can be supported through reasonable end user rates alone. . . .'' Any estimate of future revenues is necessarily a forecast, dependent on a range of reasonable assumptions. Below, the Bureau adopts a blended ARPU that reflects the revenues that a carrier can reasonably expect to receive from each subscriber for providing voice, broadband, and a combination of those services. Because not all locations will have active subscribers, we will adjust the ARPU by multiplying it by the expected subscription rate adopted below. The Bureau finds that multiplying the ARPU by the expected subscription rate will yield an estimate of the revenues that a carrier can reasonably expect to receive from the locations in each census block. ACA supported this methodology when it was presented in the Virtual Workshop. The Bureau also finds that a funding benchmark derived solely from cost, such as proposed by the ABC Coalition, does not satisfactorily address the requirement, inherent in the Commission's delegation of authority to the Bureau, that the funding benchmark reflect the revenues reasonably recovered from end users.

3. Average Revenue per User

141. The Bureau adopts an ARPU of $75 which the CAM uses to calculate certain opex costs—customer operations marketing and service operating expenses and bad debt expense—and also to set the preliminary funding benchmark that will determine which areas will be subject to the challenge process to finalize the list of census blocks eligible for model-based support.

142. Forecasting the potential ARPU for recipients of model-based support necessarily requires making a number of predictive judgments. For example, a carrier's ARPU will average over customers who subscribe to both voice and broadband services and others who subscribe to just one of those services; in addition, the ARPU will average over prices that vary over time according to the carrier's current promotions and discounts off its basic rates; and which broadband speed package a customer chooses. Depending on which assumptions are made, there is a range of ARPU values that would be reasonable to select.

143. Based on the record before us, the Bureau concludes that an ARPU of $75 is a reasonable assumption. The ABC Coalition presents an analysis based on Telogical System's ''High Speed Internet Services Products, Pricing & Promotions Report National View'' July 2013 survey that suggests that a reasonable range of monthly broadband rates for service that provides a minimum of 4 Mbps down would be $29 to $46 per month for cable, DSL and fiber Internet access providers in the 30 major U.S. markets, depending on how many customers are paying promotional rates versus month-to month rates. The ABC Coalition also assumes a rate of $30 for voice services, for a range of rates of $58.54 to $76.03 for voice and broadband services together. The National Broadband Plan model estimated an ARPU of fixed voice service at approximately $33.50 and an ARPU of fixed broadband at $36 to 44—which when added together ranges from $69.50 to $77.50. ACA suggests that ARPU should be calculated by determining the lowest non-promotional, non-contract pricing for broadband and voice services (with unlimited local and long-distance minutes) from any area where 4 Mbps/1 Mbps broadband or greater is available, and weighting this by each price cap carriers' share of total Connect America-eligible locations. It recommends that the Bureau adopts an ARPU of $71.

144. The ABC Coalition did not submit any data to substantiate its claim that ''a substantial percentage of customers'' subscribe to stand-alone broadband and ''a large percentage of customers'' subscribe to voice-only services. On balance, the Bureau concludes that it would be reasonable to select a value in the higher end of the ranges of rates provided by the ABC Coalition and the range of ARPUs estimated by the National Broadband Plan model. The Bureau recognizes that a growing number of households rely only on wireless services for their voice services. On the other hand, to the extent customers continue to subscribe to landline voice service, the ARPU for such service may well be higher than the $30 suggested by the ABC Coalition. The results of our urban rate survey show that the average rate for an unlimited all-distance voice service offered by incumbent LECs in census tracts classified by Census as urban is $48.91, significantly higher than the $30 proposed by the ABC Coalition. While the Bureau recognizes that not all customers may subscribe to such all-distance plans, many do. Moreover, consumers increasingly over time will migrate to higher speed broadband connections to meet their growing demand for video services, and many businesses will pay rates that exceed residential rates to receive higher-speed services or for service-level agreements that provide guaranteed rather than best-efforts performance associated with residential service. By selecting an ARPU that is on the higher side of the range of ARPU rates in the record before us today, the Bureau accounts for the fact that the Commission expects recipients of support to deliver higher speeds, and a significant number of customers are likely to purchase more expensive packages for higher tiers of broadband services that exceed 4 Mbps/1 Mbps.

145. The Bureau is not persuaded by NRIC's argument that it should select an ARPU of $97. NRIC makes this argument by pointing to benchmarks that the Bureau sought comment on in the context of setting interim reasonable comparability benchmarks, prior to completion of the urban rate survey. NRIC fails to recognize that there is a difference between the maximum allowable rate, which ensures that services in rural areas are offered at rates that are reasonably comparable to urban offerings, and the average revenue that Connect America Phase II-supported providers are more likely to earn. Rather than simply assuming that all carriers will charge the maximum allowable rate, the Bureau will rely on data submitted through the record as well as our own analyses and predictive judgment to make a reasonable assumption as to the revenue that we expect carriers will gain from their customers.

4. Expected Subscription Rate

146. The Bureau adopts an expected subscription rate of 70 percent for the purpose of estimating the amount of revenues a carrier may reasonably recover from end-users and, by extension, the funding benchmark. This is the percentage of locations that could reasonably be expected to subscribe to voice, broadband, or a bundle including at least one of those services. The blended subscription rate appropriately matches the blended ARPU adopted above.

147. As a threshold matter, the Bureau concludes that the subscription rate used to estimate revenues should be different than the customer drop rate, or take rate, used to estimate the cost of customer premises equipment in the cost model. In the Virtual Workshop, the Bureau asked whether it was appropriate to use a single ''take rate'' for both purposes. Commenters, including ACA and US Telecom, broadly supported the use of single take rate for all purposes. The Bureau finds, however, that the different uses require rates tailored to their purpose. For the purpose of a customer drop rate, as described above, a location may have customer premises equipment without having a revenue-producing subscriber. For the purpose of estimating the amount of revenues that can reasonably be recovered from ''end user revenues,'' on the other hand, the Bureau finds it is appropriate to use a subscription rate that reflects the percentage of locations with paying customers, rather than the percentage of locations with installed drops.

148. The expected subscription rate must necessarily be lower than the 80 percent customer drop rate adopted above because location with a subscriber must have a drop, but a location with a drop need not necessarily have a subscriber. ACA argues that the take rate should be set at 90 percent to reflect the Commission's National Broadband Plan forecast adoption curve. On the other hand, United States Telecom advocates for the use of a 60 percent take for voice service and an 80 percent take rate for broadband service. One peer review of the model cites academic studies argued that subscription rates of 90 percent would be too high, given that two academic studies suggest broadband subscription rates (*i.e.,* not including voice-only subscribers) of 65 or 67 percent in the United States generally, and one those studies estimated rural subscription rates as low as 50 percent. The Pew Research Center's Internet and American Life Project estimates the current home broadband subscription rate to be 62 percent. In light of these varying estimates, and taking into account both broadband and voice subscriptions, either standalone or bundled with other services, in our predictive judgment we find that an expected subscription rate of 70 percent

is appropriate for estimating revenue available from end users.

5. Setting the Funding Benchmark and Extremely High-Cost Threshold

149. Applying an assumed ARPU of $75 and the 70 percent expected subscription rate, the preliminary funding benchmark that we identify for purpose of developing the preliminary list of eligible census blocks is $52.50 per location. This benchmark is consistent with the benchmark proposed by the ABC Coalition. This funding threshold is lower than the funding thresholds proposed by ACA and Nebraska Rural Independent Carriers, which assumed different ARPU and subscription rates than those we adopt in this order. Given the ARPU and subscription rate we adopt for the reasons discussed above, we are not persuaded based on the record before us that a higher funding benchmark is justified.

150. As described above, the Bureau concludes that approximately $1.782 billion is available for the Phase II budget pursuant to the CAM. Applying that amount and the $52.50 funding benchmark just discussed results in an extremely high-cost threshold of $207.81 per location, assuming carriers serving the non-contiguous areas of the United States accept model-based support. Accordingly, census blocks with average costs, as estimated by the CAM, equal to or in excess of $207.81 will not be eligible for the offer of model-based support in Phase II. The Bureau estimates that 0.37 percent of all locations in price cap areas are presumed to be extremely high cost. Given the $52.50 benchmark and $207.81 extremely high-cost threshold, the Bureau currently forecasts approximately 4.25 million locations will be in areas eligible for the offer of Connect America Phase II model-based support. These figures may change, however, dependent on the outcome of the challenge process and the elections of carriers serving the non-contiguous areas of the United States.

151. In identifying the preliminary funding benchmark and extremely high-cost threshold, the Bureau recognizes that minor adjustments may be appropriate to take into account the results of the challenge process before issuing the final list of eligible census blocks. The Bureau therefore reserves the right to make minor adjustments prior to releasing the final list of census blocks eligible for the offer of model-based support.

F. Initial List of Eligible Census Blocks

152. The Bureau concludes that using round eight National Broadband Map data (data as of June 2013) implements the Commission's directive to the Bureau to identify areas served by unsubsidized competitors as close as possible to the time of adoption of the cost model. The Bureau will finalize the list of eligible census blocks through the challenge process in the months ahead, and will not update the model for purposes of the offer of support to price cap carriers in the event newer National Broadband Map data become available before completion of that challenge process.

153. As the Bureau explained in the *Connect America Phase II Challenge Process Order,* 78 FR 32991, June 3, 2013, the Bureau will publish a preliminary list of cost-qualified census blocks that are presumptively unserved by an unsubsidized competitor. The Bureau will then commence the Phase II challenge process, whereby interested parties may contend that census blocks should be added or removed from the list based on whether those blocks are unserved or served by an unsubsidized competitor. After the challenges and responses are reviewed, the Bureau will add or remove census blocks from the list of presumptively cost-qualified census block as appropriate to keep total support amounts within the overall Phase II budget. The CAM support module will be rerun using the finalized list of eligible census blocks. Support will be calculated in a manner that utilizes the appropriate amount of the Phase II budget. If the Phase II budget would be exceeded by a net increase in census blocks deemed to be ''unserved,'' the extremely high-cost threshold may be lowered to keep Phase II within its budget.

III. Procedural Matters

A. Paperwork Reduction Act

154. 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.

B. Final Regulatory Flexibility Analysis

155. As required by the Regulatory Flexibility Act, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Model Design Public Notice* in WC Docket Nos. 10–90, 05–337, and the *Phase II Non-Contiguous Areas Public Notice,* 78 FR 12006, February 21, 2013, in WC Docket No. 10–90. The Bureau sought written public comment on the proposals in the *Model Design Public Notice* and the *Phase II Non-Contiguous Areas Public Notice,* including comment on the IRFAs. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

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

156. The *Report and Order* finalizes decisions regarding the engineering assumptions contained in the Connect America Cost Model (CAM) and adopts input values for the model, for example, the cost of network components such as fiber and electronics, plant mix, various capital cost parameters, and network operating expenses. Together with the *CAM Platform Order,* the two orders resolve all of the technical and engineering assumptions necessary for the CAM to estimate the cost of providing service at the census block and state level. In addition, the *Report and Order* adopts the methodology for determining the lower ''funding benchmark'' and the upper ''extremely high-cost threshold,'' and also identifies preliminary values: A funding benchmark of $52.50 and an extremely high-cost threshold of $207.81. Areas between these thresholds will be presumptively eligible for funding, subject to the challenge process to ensure that areas are not served by unsubsidized competitor. The budget used to set the extremely high-cost threshold will be approximately $1.782 billion.

2. Summary of Significant Issues Raised by Public Comments in Response to the Supplemental IRFA

157. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA for the *Model Design Public Notice.* Alaska Communications Systems (ACS) commented on the IRFA for the *Phase II Non-Contiguous Areas Public Notice.* In this IRFA, the Bureau noted that the Connect America Phase II issues for which it sought comment were ''not anticipated to have a significant economic impact on small entities insofar as the results impact high-cost support amounts for price cap carriers.'' The Bureau explained that ''most (and perhaps all) of the affected carriers are not small entities,'' and that the ''choice of alternatives discussed is not anticipated to systematically increase or decrease support for any particular group of entities and therefore any significant economic impact cannot

necessarily be minimized through alternatives.''

158. In its comments, Alaska Communications Systems (ACS) claims that as a company with ''roughly 800 aggregate employees across its [incumbent local exchange carriers] and their affiliates'' and as a business that is not ''dominant in its field of operation,'' it qualifies as a small entity within the meaning of the Regulatory Flexibility Act. It also asserts that the CAM ''systematically reduces support for three of the non-[contiguous] price cap carriers, while substantially increasing support for the other price cap companies as a whole, including most of them individually.''

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

159. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. 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.

160. *Small Businesses.* Nationwide, there are a total of approximately 27.5 million small businesses, according to the SBA.

161. *Wired Telecommunications Carriers.* The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. According to Census Bureau data for 2007, there were 3,188 firms in this category, total, that operated for the entire year. Of this total, 3144 firms had employment of 999 or fewer employees, and 44 firms had employment of 1000 employees or more. Thus, under this size standard, the majority of firms can be considered small.

162. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,307 carriers reported that they were incumbent local exchange service providers. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most providers of local exchange service are small entities that may be affected by the rules and policies proposed in the FNPRM.

163. *Incumbent Local Exchange Carriers (incumbent LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to incumbent local exchange services. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,307 carriers reported that they were incumbent local exchange service providers. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by rules adopted pursuant to the FNPRM.

164. We have included small incumbent LECs in this present RFA analysis. As noted above, 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.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

165. *Competitive Local Exchange Carriers (competitive LECs), 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. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees and 186 have more than 1,500 employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. In addition, 72 carriers have reported that they are Other Local Service Providers. Of the 72, seventy have 1,500 or fewer employees and two have more than 1,500 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by rules adopted pursuant to the FNPRM.

166. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the SBA has recognized wireless firms within this new, broad, economic census category. Prior to that time, such firms were within the now-superseded categories of Paging and Cellular and Other Wireless Telecommunications. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For this category, census data for 2007 show that there were 1,383 firms that operated for the entire year. Of this total, 1,368 firms had employment of 999 or fewer employees and 15 had employment of 1000 employees or more. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. Consequently, the Commission estimates that approximately half or more of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

167. *Local Multipoint Distribution Service.* Local Multipoint Distribution Service (''LMDS'') is a fixed broadband point-to-multipoint microwave service that provides for two-way video telecommunications. The auction of the 986 LMDS licenses began and closed in 1998. The Commission established a small business size standard for LMDS licenses as an entity that has average gross revenues of less than $40 million in the three previous calendar years. An additional small business size standard for ''very small business'' was added as

an entity that, together with its affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. The SBA has approved these small business size standards in the context of LMDS auctions. There were 93 winning bidders that qualified as small entities in the LMDS auctions. A total of 93 small and very small business bidders won approximately 277 A Block licenses and 387 B Block licenses. In 1999, the Commission re-auctioned 161 licenses; there were 32 small and very small businesses winning that won 119 licenses.

168. *Satellite Telecommunications.* Since 2007, the SBA has recognized satellite firms within this revised category, with a small business size standard of $15 million. The most current Census Bureau data are from the economic census of 2007, and we will use those figures to gauge the prevalence of small businesses in this category. Those size standards are for the two census categories of ''Satellite Telecommunications'' and ''Other Telecommunications.'' Under the ''Satellite Telecommunications'' category, a business is considered small if it had $15 million or less in average annual receipts. Under the ''Other Telecommunications'' category, a business is considered small if it had $25 million or less in average annual receipts.

169. The first category of Satellite Telecommunications ''comprises establishments primarily engaged in providing point-to-point telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' For this category, Census Bureau data for 2007 show that there were a total of 512 firms that operated for the entire year. Of this total, 464 firms had annual receipts of under $10 million, and 18 firms had receipts of $10 million to $24,999,999. Consequently, we estimate that the majority of Satellite Telecommunications firms are small entities that might be affected by rules adopted pursuant to the FNPRM.

170. The second category of Other Telecommunications ''primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.'' For this category, Census Bureau data for 2007 show that there were a total of 2,383 firms that operated for the entire year. Of this total, 2,346 firms had annual receipts of under $25 million. Consequently, we estimate that the majority of Other Telecommunications firms are small entities that might be affected by our action.

171. *Cable and Other Program Distribution.* Since 2007, these 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.'' The SBA has developed a small business size standard for this category, which is: All such firms having 1,500 or fewer employees. According to Census Bureau data for 2007, there were a total of 955 firms in this previous category that operated for the entire year. Of this total, 939 firms had employment of 999 or fewer employees, and 16 firms had employment of 1000 employees or more. Thus, under this size standard, the majority of firms can be considered small and may be affected by rules adopted pursuant to the FNPRM.

172. *Cable Companies and Systems.* The Commission has 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. Industry data indicate that, of 1,076 cable operators nationwide, all but eleven are small under this size standard. In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. 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. Thus, under this second size standard, most cable systems are small and may be affected by rules adopted pursuant to the FNPRM.

173. *Cable System Operators.* The Act 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.'' The Commission has determined that an operator serving fewer than 677,000 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. Industry data indicate that, of 1,076 cable operators nationwide, all but ten are small under this size standard. 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, and therefore we are unable to estimate more accurately the number of cable system operators that would qualify as small under this size standard.

174. *Open Video Services.* 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. The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services, OVS falls within the SBA small business size standard covering cable services, which is ''Wired Telecommunications Carriers.'' The SBA has developed a small business size standard for this category, which is: all such firms having 1,500 or fewer employees. According to Census Bureau data for 2007, there were a total of 955 firms in this previous category that operated for the entire year. Of this total, 939 firms had employment of 999 or fewer employees, and 16 firms had employment of 1000 employees or more. Thus, under this second size standard, most cable systems are small and may be affected by rules adopted pursuant to the Notice. In addition, we note that the Commission has certified some OVS operators, with some now providing service. 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, again, at least

some of the OVS operators may qualify as small entities.

175. *Internet Service Providers.* Since 2007, these 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.'' The SBA has developed a small business size standard for this category, which is: All such firms having 1,500 or fewer employees. According to Census Bureau data for 2007, there were 3,188 firms in this category, total, that operated for the entire year. Of this total, 3144 firms had employment of 999 or fewer employees, and 44 firms had employment of 1000 employees or more. Thus, under this size standard, the majority of firms can be considered small. In addition, according to Census Bureau data for 2007, there were a total of 396 firms in the category Internet Service Providers (broadband) that operated for the entire year. Of this total, 394 firms had employment of 999 or fewer employees, and two firms had employment of 1000 employees or more. Consequently, we estimate that the majority of these firms are small entities that may be affected by rules adopted pursuant to the FNPRM.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

176. In the Report and Order, the Bureau adopts inputs associated with a forward-looking economic cost model to be used to determine support amounts to be offered to price cap carriers and their affiliates pursuant to Phase II of the Connect America Fund. Comment was previously sought on possible data inputs that would require reporting by small entities, including wire center boundaries, residential location data, and data from local exchange carriers regarding their mix of aerial, underground, and buried plant, the age of existing plant, and the gauge of existing twisted-pair copper plant. The Bureau largely adopts the use of commercial data sources, or relies on data that was previously submitted by carriers to develop the inputs. No small entity was required to submit data. The *Report and Order* does not impose further data collections and recordkeeping requirements.

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

177. 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.''

178. The *Report and Order* adopts a number of input values for the Connect America Cost Model. The model's use of these input values to calculate support are not anticipated to have a significant economic impact on small entities insofar as the results produce high-cost support amounts for price cap carriers and their affiliates that accept the support in exchange for making a state-level commitment pursuant to Connect America Phase II. This is primarily because as discussed above, virtually all of the affected carriers are not small entities. Moreover, the alternatives for most input values that were considered were not anticipated to systematically increase or decrease support for any particular group of entities, and therefore any significant economic impact could not necessarily be minimized through alternatives.

179. The Bureau does note, however, that it adopted a number of inputs for carriers, several of which may be small entities, that serve non-contiguous areas in order to reflect the unique costs of serving these areas. The Bureau also has provided the opportunity for these carriers to elect to receive frozen support for the term of Connect America Phase II or elect to decline model-based support if they find that the support calculated by the CAM is not sufficient for serving non-contiguous areas.

180. Moreover, the choice of a methodology and preliminary values for the funding benchmark and extremely high-cost threshold may have a significant economic impact on small entities. Using a preliminary funding benchmark of $52.50 and a budget of $1.782 billion results in a preliminary extremely high-cost threshold of $207.81 per location. Areas that exceed this extremely high-cost threshold may be supported by the Remote Areas Fund, and thus could receive support through an alternative support mechanism that could include small entities.

181. The Bureau considered a number of alternatives for setting the funding benchmark and extremely high-cost threshold, including whether the Bureau should first determine the funding benchmark and then use the budget to determine the extremely high-cost threshold, or if it should first determine the extremely high-cost threshold and then use the budget to determine the funding benchmark. Consistent with the Commission's direction that the Bureau take into account where costs are likely to be higher than can be supported through reasonable end user revenues alone, the Bureau chose to set the funding benchmark first, by estimating the average revenue per user (ARPU) that could be reasonably expected from voice and broadband services and adjusting the ARPU to take into account that not all locations passed will necessarily subscribe to one or both services over the full term of Phase II support. The Bureau also sought comment on a number of alternatives for the ARPU and subscription rate for setting the funding benchmark. Using an assumed ARPU of $75 and a 70 percent subscription rate, the Bureau identified a preliminary funding benchmark of $52.50. The Bureau found that an assumed ARPU of $75 reflects the revenues that a carrier can reasonably expect to receive from each subscriber for providing voice, broadband, and a combination of those services, and that a 70 percent subscription rate reflects that not all locations will have active subscribers.

182. By identifying a preliminary funding benchmark at $52.50 and an estimated budget of $1.782 billion, the preliminary extremely high-cost threshold becomes $207.81 per location. Although establishing this extremely high-cost threshold is likely to have a significant impact on smaller entities that may seek support from the Remote Areas Fund, the full impact will not be known until the Commission issues an order adopting the rules for the Remote Areas Fund, including rules designating the areas that will be eligible for Remote Areas Fund support, and determining which entities are eligible to receive support for serving Remote Areas Fund-eligible areas. The Bureau anticipates that the Commission will consider alternatives when adopting rules for the Remote Areas Fund, including those that would minimize the significant economic impact on small entities.

183. The *Model Design Public Notice.* IRFA also suggested that our adoption of a preliminary funding benchmark and extremely high-cost threshold may affect the service obligations of rate-of-return carriers. We have since clarified that the funding benchmark and extremely high-cost threshold we adopt for purposes of the offer of support to price cap carriers does not bind the Commission on any decision regarding the use of the model in other contexts. The Bureau anticipates that the Commission will consider alternatives when deciding whether to use the CAM in other contexts, including those that would minimize the significant economic impact on small entities.

6. Report to Congress

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

C. Data Quality Act

185. The Commission certifies that it has complied with the Office of Management and Budget Final Information Quality Bulletin for Peer Review, 70 FR 2664, January 14, 2005, and the Data Quality Act, Public Law 106–554 (2001), codified at 44 U.S.C. 3516 note, with regard to its reliance on influential scientific information in the *Report and Order* in WC Docket Nos. 10–90 and 05–337.

IV. Ordering Clauses

186. Accordingly, *it is ordered,* pursuant to the authority contained in sections 1, 2, 4(i), 5, 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 152, 154(i), 155, 214, 254, 303(r), 403, and 1302, §§ 0.91, 0.201(d), 1.1, and 1.427 of the Commission's rules, 47 CFR 0.91, 0.201(d), 1.1, 1.427, and the delegations of authority in paragraphs 157, 169, 170, 184, 186, 187, and 192 of the *USF/ICC Transformation Order,* FCC 11–161, that the *Report and Order is adopted,* effective June 20, 2014.

187. *It is further ordered* that the Commission *shall send* a copy of the Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

188. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Carol E. Mattey,

Deputy Chief, Wireline Competition Bureau.

[FR Doc. 2014–11689 Filed 5–20–14; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[GSAR Change 56; GSAR Case 2012–G501; Docket No. 2013–0006; Sequence 1]

RIN 3090–AJ36

General Services Administration Acquisition Regulation (GSAR); Electronic Contracting Initiative (ECI); Technical Amendment

AGENCY: General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: This document makes an amendment to the General Services Administration Acquisition Regulation (GSAR); in order to make editorial change.

DATES: *Effective:* May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, General Services Acquisition Policy Division, at 202–357–9652, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, 202–501–4755. Please cite GSAR Case 2012–G501; Technical Amendment.

SUPPLEMENTARY INFORMATION: In order to update certain elements in 48 CFR part 552, this document makes an editorial change to the GSAR.

List of Subjects in 48 CFR Part 552

Government procurement.

Dated: May 14, 2014.

Jeffrey Koses,

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

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

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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

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

552.238–81 [Amended]

■ 2. Amend section 552.238–81 by removing from paragraph (b)(1)(iv) ''FAR 552.211–78, Commercial Delivery Schedule (Multiple Award Schedule)'' and adding ''the request for proposal'' in its place.

[FR Doc. 2014–11676 Filed 5–20–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD300

Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for yellowfin sole in the Bering Sea and Aleutian Island management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the 2014 Pacific halibut bycatch allowance specified for vessels participating in the BSAI trawl limited access yellowfin sole fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 18, 2014, through 2400 hrs, A.l.t., December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2014 Pacific halibut bycatch allowance specified for vessels participating in the BSAI trawl limited access yellowfin sole fishery is 167 metric tons as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014).

In accordance with § 679.21(e)(7)(v), the Regional Administrator finds that this bycatch allowance has been reached. Consequently, NMFS is prohibiting directed fishing for yellowfin sole in the BSAI by vessels participating in the BSAI trawl limited access yellowfin sole fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the yellowfin sole directed fishery in the BSAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of May 15, 2014. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 16, 2014.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11743 Filed 5–16–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 98

Wednesday, May 21, 2014

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0273; Airspace Docket No. 14–ANE–2]

RIN 2120–AA66

Proposed Amendment of Air Traffic Service (ATS) Routes; Northeast ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VOR Federal airways V–93, V–314, V–471 and RNAV route T–295 in northeastern Maine due to the scheduled decommissioning of the Princeton, ME, VOR facility. After an analysis of the airway structure the FAA found that portions of the ATS routes around the Princeton, ME, VOR navaid, were rarely utilized and would be removed to further the safe and efficient flow of air traffic within the National Airspace System.

DATES: Comments must be received on or before July 7, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2014–0273 and Airspace Docket No. 14–ANE–2 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2014–0273 and Airspace Docket No. 14–ANE–2) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2014–0273 and Airspace Docket No. 14–ANE–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the descriptions of VOR Federal airways V–93, V–314, V–471 and RNAV route T–295 due to the planned decommissioning of the Princeton, ME, VOR.

An analysis of the airway structure around the Princeton VOR found that the airways are rarely utilized in that area. After coordination with Boston Air Route Traffic Control Center, Bangor Airport Traffic Control Tower, and Moncton Center (Canada), the FAA is proposing to remove the underutilized segments of the affected airways. The proposed changes are described below.

V–93 extends between Patuxent River, MD, and the intersection of the Princeton, ME, 157° radial and the United States/Canadian border. The FAA proposes to terminate the route at the Bangor, ME, VORTAC (BGR), eliminating the route segments between BGR and the United States/Canadian border.

V–314 extends from Quebec, PQ, Canada, through United States airspace, to St. John, NB, Canada. This proposal would terminate the route at Millinocket, ME, and eliminate the segments between Millinocket, Princeton, ME, and St. John, NB, Canada.

V–471 extends between the intersection of the Princeton, ME, 208° and the Bangor, ME, 132° radials (i.e., the charted BARHA fix) and the intersection of the Houlton, ME, 085° radial and the United States/Canadian border. This action would remove the route segment between the Bangor VORTAC and the BARHA fix.

T–295 extends between the LOUIE, MD, fix and the Princeton, ME, VOR/DME. The amended route would terminate at Bangor, ME, eliminating the segment between Bangor and Princeton, ME.

All radials in the route descriptions below are stated in True degrees.

VOR Federal airways are published in paragraph 6010, and area navigation routes are published in paragraph 6011, respectively, of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways and RNAV route listed in this document would be subsequently published in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the route structure as required to preserve the safe and efficient flow of air traffic within the northeastern United States.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013 and effective September 15, 2013, is amended as follows:

Paragraph 6010 Domestic VOR Federal airways.

V–93 [Amended]

From Patuxent River, MD, INT Patuxent 013° and Baltimore, MD, 122° radials; Baltimore; INT Baltimore 004° and Lancaster, PA, 214° radials; Lancaster; Wilkes-Barre, PA; to INT Wilkes-Barre 037° and Sparta, NJ 300° radials. From INT Sparta 018° and Kingston, NY, 270° radials; Kingston; Pawling, NY; Chester, MA, 12 miles 7 miles wide (4 miles E and 3 miles W of centerline); Keene, NH; Concord, NH; Kennebunk, ME; INT Kennebunk 045° and Bangor, ME, 220° radials; to Bangor.

V–314 [Amended]

From Quebec, PQ, Canada, 99 miles 55 MSL, to Millinocket, ME, excluding the airspace within Canada.

V–471 [Amended]

From Bangor, ME; Millinocket, ME; Houlton, ME; INT Houlton 085° and the United States/Canadian border.

Paragraph 6011 United States area navigation routes.

T–295 Louie, MD to Bangor, ME (BGR) [Amended]

LOUIE, MD	FIX	(Lat. 38°36′44″ N., long. 076°18′04″ W.)
BAABS, MD	WP	(Lat. 39°19′51″ N., long. 076°24′41″ W.)
Lancaster, PA (LRP)	VORTAC	(Lat. 40°07′12″ N., long. 076°17′29″ W.)
Wilkes-Barre, PA (LVZ)	VORTAC	(Lat. 41°16′22″ N., long. 075°41′22″ W.)
LAAYK, PA	FIX	(Lat. 41°28′33″ N., long. 075°28′57″ W.)
SAGES, NY	FIX	(Lat. 42°02′46″ N., long. 074°19′10″ W.)
SASHA, MA	FIX	(Lat. 42°07′59″ N., long. 073°08′55″ W.)
Keene, NH (EEN)	VORTAC	(Lat. 42°47′39″ N., long. 072°17′30″ W.)
Concord, NH (CON)	VORTAC	(Lat. 43°13′11″ N., long. 071°34′32″ W.)
Kennebunk, ME (ENE)	VOR/DME	(Lat. 43°25′32″ N., long. 070°36′49″ W.)
BRNNS, ME	FIX	(Lat. 43°54′09″ N., long. 069°56′43″ W.)
Bangor, ME (BGR)	VORTAC	(Lat. 44°50′30″ N., long. 068°52′26″ W.)

Issued in Washington, DC, on May 13, 2014.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2014–11777 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0054]

RIN 1625–AA00

Safety Zone: Santa Cruz Wharf 100th Anniversary Fireworks Display

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters near Santa Cruz Wharf in Santa Cruz, CA in support of the Santa Cruz Wharf 100th Anniversary Fireworks Display on October 4, 2014. This safety zone is established to ensure the safety of mariners and spectators from the dangers associated with the pyrotechnics. The safety zone will temporarily restrict vessel movement

within the designated area on October 4, 2014 from 9 p.m. until 9:30 p.m.

DATES: Comments and related material must be received by the Coast Guard on or before June 20, 2014.

Requests for public meetings must be received by the Coast Guard on or before June 20, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0054 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call Lieutenant Junior Grade Joshua V. Dykman at 415–399–3585, or email D11–PF-MarineEvents@uscg.mil. If you have questions on viewing or submitting material to the docket, contact the Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0054) in the ''Search'' box and click ''Search.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0054) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

We do not plan to hold public meetings on this proposed rule. But you may submit a request for one on or before June 20, 2014, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

The Captain of the Port has the authority to establish safety zones under 33 CFR 1.05(e) and 165.5. Because of the dangers posed by the pyrotechnics used in this fireworks display, the safety zone is necessary to provide for the safety of event participants, spectators, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event.

C. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C 1231; 46 U.S.C Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

City of Santa Cruz Parks and Recreation will sponsor the Santa Cruz Wharf 100th Anniversary Fireworks Display on October 4, 2014, off of Santa Cruz Wharf in Santa Cruz, CA in approximate position 36°57′50″ N, 122°00′48″ W (NAD 83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. Upon the commencement of the fireworks display, the safety zone will encompass the navigable waters around and under the launch site within a radius of 420 feet. The fireworks display is meant for entertainment purposes. This restricted area around the launch site is necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics.

D. Discussion of the Proposed Rule

The proposed safety zone will encompass the navigable waters around the land based launch site off of Santa Cruz Wharf in Santa Cruz, CA. Upon the commencement of the fireworks display, scheduled to take place from 9 p.m. to 9:30 p.m. on October 4, 2014, the safety zone will encompass the navigable waters around the fireworks launch site within a radius 420 feet from

position 36°57′50″ N, 122°00′48″ W (NAD 83) for the Santa Cruz Wharf 100th Anniversary Fireworks Display. At the conclusion of the fireworks display the safety zone shall terminate.

The effect of the temporary safety zone will be to restrict navigation in the vicinity of the launch site until the conclusion of the scheduled display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the restricted area. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the launch site to ensure the safety of participants, spectators, and transiting vessels.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

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

We expect the economic impact of this rule will not rise to the level of necessitating a full Regulatory Evaluation. The safety zone is limited in duration, and is limited to a narrowly tailored geographic area. In addition, although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

2. Impact on Small Entities

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

This rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone would be activated, and thus subject to enforcement, for a limited duration. When the safety zone is activated, vessel traffic could pass safely around the safety zone. The maritime public will be advised in advance of this safety zone via Broadcast Notice to Mariners.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order

13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone of limited size and duration. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add a new temporary § 165–T11–0054 to read as follows:

§ 165–T11–0054 Safety Zone; Santa Cruz Wharf 100th Anniversary Fireworks Display

(a) *Location.* This safety zone is established in the navigable waters near Santa Cruz Wharf in Santa Cruz, CA, as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18685. The temporary safety zone will encompass the navigable waters around the fireworks launch site in approximate position 36°57′50″ N, 122°00′48″ W (NAD 83) within a radius of 420 feet.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 9 p.m. through 9:30 p.m. on October 4, 2014. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7.

(c) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in 33 CFR Part 165, Subpart C, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or a designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

Dated: April 29, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–11791 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0211, EPA–R03–OAR–2013–0510]; FRL–9911–26–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a)(2) Prevention of Significant Deterioration Requirements for the 2008 Ozone and 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 revisions to the Virginia State Implementation Plan (SIP) pursuant to the Clean Air Act (CAA). Whenever new or revised National Ambient Air Quality Standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. The Commonwealth of Virginia has made two separate submittals addressing the infrastructure requirements for the 2008 ozone and 2010 nitrogen dioxide (NO_2) NAAQS. This action proposes approval of the prevention of significant deterioration (PSD) portions of the infrastructure requirements of the CAA for the Commonwealth's SIP submittals for the 2008 ozone and 2010 NO_2 NAAQS.

DATES: Written comments must be received on or before June 20, 2014.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0211 for the 2008 ozone docket and EPA–R03–OAR–2013–0510 for the 2010 NO_2 docket by one of the following methods:

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

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0211 and EPA–R03–OAR–2013–0510, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID Nos. EPA–R03–OAR–2013–0211 and EPA–R03–OAR–2013–0510. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

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

SUPPLEMENTARY INFORMATION:

I. Background

On July 23, 2012, the Commonwealth of Virginia submitted a formal revision to its SIP addressing certain infrastructure requirements for the 2008 ozone NAAQS (2008 ozone submittal). EPA published a Notice of Proposed Rulemaking (NPR) on July 2, 2013 which proposed approval of the 2008 ozone submittal for the following infrastructure elements: Section 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources and minor modifications), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J) (relating to consultation, public notification, and visibility protection requirements), (K), (L), and (M), or portions thereof. *See* 78 FR 39651. Subsequently, EPA published a Final Rulemaking Notice (FRN) on March 27, 2014 which approved the Virginia 2008 ozone submittal for those specific elements. *See* 79 FR 17043.

On May 30, 2013, Virginia submitted an infrastructure SIP submission for the 2010 NO_2 NAAQS (2010 NO_2 submittal). On August 5, 2013, EPA published a NPR which proposed approval of the 2010 NO_2 submittal for the following infrastructure elements: Section 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources and minor modifications), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J) (relating to consultation, public notification, and visibility protection requirements), (K), (L), and (M), or portions thereof. *See* 78 FR 47264. Subsequently, on March 18, 2014, EPA published a FRN which approved the Virginia 2010 NO_2 submittal for those specific elements. *See* 79 FR 15012.

In both EPA's March 27, 2014 FRN for the 2008 ozone submittal and the March 18, 2014 FRN for the 2010 NO_2 submittal, EPA indicated that it was taking separate action on certain infrastructure elements as they relate to PSD and section 128 of the CAA. This rulemaking action proposes approval of the section 110(a)(2)(C), (D)(i)(II), and (J) infrastructure elements as they relate to Virginia's PSD program for the 2008 ozone NAAQS and 2010 NO_2 NAAQS. EPA will take later separate action on 110(a)(2)(E)(ii) as it relates to section 128.

II. EPA's Approach To Review Infrastructure SIPs

The requirement for states to make a SIP submission of this type arises out of 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 section 110(a)(1) and (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.[1] 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

[1] 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.

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 CAA, which specifically address nonattainment SIP requirements.[2] 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.[3] 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 section 110(a)(1) and (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.[4] Similarly, EPA interprets the CAA to allow it 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.[5]

Ambiguities within section 110(a)(1) and (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.[6]

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 Prevention of Significant Deterioration (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 section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 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.[7] EPA most recently

[2] *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 NOx 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)).

[3] 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.

[4] *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 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).

[5] 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.

[6] 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.

[7] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The

issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[8] 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.[9] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets section 110(a)(1) and (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 section 110(a)(2)(C), (D)(i)(II), and (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 Green House Gases (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 2013 $PM_{2.5}$ 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: (i) 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); (ii) 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 (iii) 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.[10] 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

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.

[8] ''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.

[9] 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 DC Circuit decision in *EME Homer City,* 696 F.3d 7 (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.

[10] 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.

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 section 110(a)(1) and (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.[11] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[12] 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.[13]

III. Summary of SIP Revision

Section 110(a)(2)(C) of the CAA requires each state's SIP to ''include a program to provide for the enforcement of the measures described in subparagraph (A) [CAA Section 110(a)(2)(A)], and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to ensure that national ambient air quality standards are achieved, including a permit program as required in parts C [PSD], and D [nonattainment NSR] of this subchapter.'' Similarly, section 110(a)(2)(J) requires that for each NAAQS the state's SIP must ''meet the applicable requirements of. . .part C of this subchapter (relating to prevention of significant deterioration of air quality).''

As discussed in Section II, ''EPA's Approach to Review Infrastructure SIPs,'' when reviewing infrastructure SIP submittals EPA focuses on the structural PSD program requirements contained in part C as well as EPA's PSD regulations. These structural requirements call for the PSD program to address all NSR pollutants, including GHGs.

On August 5, 2011, Virginia submitted a proposed SIP revision which incorporated preconstruction permitting requirements for sources of $PM_{2.5}$ into Virginia's PSD and nonattainment NSR programs. Subsequent to Virginia's submittal, two decisions by the U.S Court of Appeals for the D.C Circuit related to the Federal $PM_{2.5}$ program impacted EPA's ability to fully approve the revisions as submitted by Virginia. Virginia consequently submitted revisions to their PSD program pertaining to preconstruction permitting requirements for sources of $PM_{2.5}$ and on February 25, 2014 (79 FR 10377), EPA fully approved these revisions to Virginia's PSD program. With these revisions fully approved, Virginia's SIP approved PSD program now contains all of the emission limitations, control measures, and other program elements required by 40 CFR 51.165 and 40 CFR 51.166 for all required pollutants, including $PM_{2.5}$. Therefore, EPA finds Virginia's SIP meets the statutory obligations relating to its PSD permit program set forth in section 110(a)(2)(C) and (J) of the CAA for the 2008 ozone NAAQS and 2010 NO_2 NAAQS.[14]

Section 110(a)(2)(D)(i)(II) of the CAA requires each state's SIP to include provisions which will prevent emissions from interfering with the measures required by another state for implementing PSD. Each state's SIP must, under 40 CFR 51.166(k)(1), include a source impact analysis which requires the owner/operator of each proposed source or modification to demonstrate that the allowable emissions increase from the proposed project will not ''cause or contribute to air pollution in violation of: (i) Any national ambient air quality standard in any air quality control region.'' The requirements set forth at 40 CFR 51.166(k)(l) are consistent with, and sufficient to meet, the requirements of section 110(D)(i)(II) of the CAA. In Virginia, the equivalent requirement to 40 CFR 51.166(k)(1) is codified at 9VAC5–80–1715, and this requirement is incorporated into the Virginia SIP. Therefore, EPA finds Virginia's SIP meets the statutory obligation relating to its PSD permit program set forth in section 110(a)(2)(D)(i)(II) of the CAA for

[11] 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,'' 74 FR 21639, April 18, 2011.

[12] 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).

[13] *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, January 26, 2011 (final disapproval of such provisions).

[14] On January 4, 2013, the United States Court of Appeals for the District of Columbia Circuit, in *Natural Resources Defense Council* v. *EPA,* issued a decision that remanded EPA's 2007 and 2008 rules implementing the 1997 fine particulate matter ($PM_{2.5}$) NAAQS. *See 706 F.3d 428 (D.C. Cir. 2013).* The court found that EPA erred in implementing the $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of title I of the CAA, rather than pursuant to the additional implementation provisions specific to particulate matter nonattainment areas in subpart 4. *Id.* at 437. As the requirements of subpart 4 only pertain to nonattainment areas, it is EPA's position that the portions of the $PM_{2.5}$ implementation rules that address requirements for $PM_{2.5}$ attainment and unclassifiable areas are not affected by the court's opinion in *NRDC* v. *EPA.* EPA does not anticipate the need to revise any PSD permit requirements promulgated in the $PM_{2.5}$ implementation rules to comply with the court's decision. Therefore, it is EPA's position that approval of the PSD portions of Virginia's infrastructure SIP submittals for the 2008 ozone and 2010 NO_2 NAAQS as meeting PSD requirements in Section 110(a)(2)(C), (D)(i)(II), and (J) does not conflict with the court's remand of the $PM_{2.5}$ implementation rules. *See also* 79 FR 10377 (February 25, 2014) (approving portions of Virginia's infrastructure SIP submittals as meeting PSD requirements for section 110(a)(2) for 1997 and 2006 $PM_{2.5}$ NAAQS and 2008 lead NAAQS).

the 2008 ozone NAAQS and 2010 NO_2 NAAQS.[15]

Therefore, EPA concludes that Virginia's approved SIP meets obligations pursuant to CAA section 110(a)(2)(C), (D)(i)(II), and (J) with respect to the part C permit program for the 2008 ozone NAAQS and 2010 NO_2 NAAQS. EPA is proposing approval of a revision to the Virginia SIP for Virginia's 2008 ozone and 2010 NO_2 submittals for the following infrastructure elements with respect to the Part C PSD permit program: Section 110(a)(2)(C), (D)(i)(II), and (J).

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

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

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

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

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

V. Proposed Action

EPA is proposing to approve the following infrastructure elements of Virginia's July 23, 2012 SIP submittal for the 2008 ozone NAAQS and May 30, 2013 SIP submittal for the 2010 NO_2 NAAQS with respect to PSD: Section 110(a)(2)(C), (D)(i)(II), and (J). EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VI. Statutory and Executive Order Reviews

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

[15] In addition, Virginia's existing SIP also includes Article 8 (Permits for Major Stationary Sources and Major Modifications Located in Prevention of Significant Deterioration Areas) of Part II of 9VAC5 Chapter 80, which provides that construction and modification of major stationary sources in PSD areas will not cause or contribute to a violation of any NAAQS. Virginia's SIP approved PSD program also applies to greenhouse gases through 9VAC5 Chapter 85, (Permits for Stationary Sources of Pollutants Subject to Regulation), which implements EPA's greenhouse gas tailoring requirements.

In addition, this proposed rule, approving Virginia's July 23, 2012 SIP submission for the 2008 ozone NAAQS and May 30, 2013 SIP submission for the 2010 NO_2 NAAQS as meeting the PSD elements in Section 110(a)(2) of the CAA, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: May 8, 2014.

W.C. Early,

Acting, Regional Administrator, Region III.

[FR Doc. 2014–11787 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1989–0008; FRL–9911–20–Region 1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Town Garage/Radio Beacon, Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent.

SUMMARY: The Environmental Protection Agency (EPA) Region 1 is issuing a Notice of Intent to Delete the Town Garage/Radio Beacon, Superfund Site (Site) located in Londonderry, New Hampshire from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of New Hampshire, through the New Hampshire Department of Environmental Services (NHDES), have determined that all appropriate response actions under CERCLA, other than five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by June 20, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–1989–0008, by one of the following methods:

- *http://www.regulations.gov.* Follow on-line instructions for submitting comments.
- *Email: lovely.william@epa.gov* or *elliott.rodney@epa.gov.*
- *Fax:* 617–918–0240 or 617–918–0372
- *Mail:* William Lovely, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code OSRR07–4, Boston, MA 02109–3912 or Rodney Elliott, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code ORA01–1, Boston, MA 02109–3912
- *Hand delivery:* William Lovely, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code OSRR07–4, Boston, MA 02109–3912 or Rodney Elliott, EPA Region 1—New England, 5 Post Office Square, Suite 100, Mail Code ORA01–1, Boston, MA 02109–3912. Such deliveries are only accepted during the Docket's normal hours of operation (M–F, 9–5), and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1989–0008. EPA's policy is that all comments received 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 information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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

U.S. Environmental Protection Agency, Records Center, 5 Post Office Square, Suite 100, Boston, MA 02109, 617–918–1440, Monday–Friday: 9:00 a.m.–5:00 p.m., Saturday and Sunday–Closed, and

Leach Library, 276 Mammoth Road, Londonderry, NH 03055, 603–432–1132, Monday–Thursday: 9:00 a.m.–8:00 p.m., Thursday: 10:00 a.m.–5:00 p.m., Friday: 10:00 a.m.–2:00 p.m., Saturday: 9:00 a.m.–5:00 p.m., Sunday: Closed.

FOR FURTHER INFORMATION CONTACT: William Lovely, Remedial Project Manager, U.S. Environmental Protection Agency, Region 1 New England, 5 Post Office Square, Mail code OSRR07–4, Boston, MA 02109–3912, (617) 918–1240, *email: lovely.william@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the Town Garage/Radio Beacon Superfund Site from the National Priorities List (NPL) without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties

interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Dated: April 24, 2014.

H. Curtis Spalding,

Regional Administrator, EPA Region 1.

[FR Doc. 2014–11794 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 69

[Docket No. USCG–2011–0522]

RIN 1625–AB74

Tonnage Regulations Amendments

AGENCY: Coast Guard, DHS.

ACTION: Notice of public meeting.

SUMMARY: The Coast Guard announces a public meeting to take place on June 5, 2014, in Arlington, Virginia to receive comments on a notice of proposed rulemaking (NPRM) published in the **Federal Register** on April 8, 2014, under the title ''Tonnage Regulations Amendments.'' This proposed rule would amend the tonnage regulations by implementing amendments to the tonnage measurement law made by the Coast Guard Authorization Act of 2010, codifying principal technical interpretations issued by the Coast Guard, and incorporating administrative, non-substantive clarifications of and updates to the tonnage regulations.

DATES: The meeting will be held on June 5, 2014 from 10:00 a.m. to 1:00 p.m. The meeting may conclude before the allotted time if all matters for discussion have been addressed.

ADDRESSES: The meeting will be held at the U.S. Coast Guard Recruiting Command (CGRC), 4200 Wilson Boulevard, in the Alexander Hamilton Room, 6th floor, Arlington, VA 20598–7200.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning the meeting or the proposed rule, please call or email Mr. Marcus Akins, Marine Safety Center, Tonnage Division (MSC–4), Coast Guard, telephone (703)–872–6787, email *Marcus.J.Akins@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Background and Purpose

On April 8, 2014, the Coast Guard published an NPRM in the **Federal Register** (79 FR 19420) entitled ''Tonnage Regulations Amendments''. The tonnage regulations implement legislation concerning the measurement of vessels to determine their tonnage (part J of 46 U.S.C. subtitle II). Tonnage is used for a variety of purposes, including the application of vessel safety, security, and environmental protection regulations and the assessment of taxes and fees.

You may view this NPRM, and public comments submitted thus far, in the online docket by going to the Federal eRulemaking Portal at *http://www.regulations.gov.* Once there, search for the docket number USCG–2011–0522, and then click ''Open Docket Folder.'' If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

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

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Mr. Marcus Akins at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Meeting Details

Members of the public may attend this meeting up to the seating capacity of the room. We plan to record the meeting using an audio-digital recorder, and to make that audio recording available through a link in our online docket.

A valid government-issued photo identification (for example, a driver's license) will be required for entrance to the building and meeting space. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. Marcus Akins, 7 days prior to the meeting by using the contact information in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Requests made after May 29, 2014, might not be able to be accommodated.

We encourage you to participate in this meeting by commenting orally, or submitting written comments to the Coast Guard personnel attending the meeting who are identified to receive them. These comments will be posted to the online docket and will include any personal information you have provided.

Submitting Other Written Comments

You may also submit written comments to the docket before or after the meeting using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. All comments and related material submitted after the meeting must either be submitted to the online docket on or before July 7, 2014, or reach the Docket Management Facility by that date.

Dated: May 15, 2014.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2014–11789 Filed 5–20–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2013–0040; 4500030113]

RIN 1018–AZ79

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Agave eggersiana, Gonocalyx concolor and Varronia rupicola

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public comment period on the October 22, 2013, proposed designation of critical habitat for *Agave eggersiana* (no common name), *Gonocalyx concolor* (no common name), and *Varronia rupicola* (no common name) under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of a draft economic analysis (DEA) of the proposed designation of critical habitat for these species and an amended required determinations section of the proposal. We are reopening the comment period to allow all interested parties an opportunity to comment simultaneously on the proposed rule, the associated DEA, and the amended required determinations section. Comments previously submitted need not be resubmitted, as they will be fully considered in preparation of the final rule.

DATES: We will consider comments received or postmarked on or before June 20, 2014. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES** section, below) must be received by 11:59 p.m. Eastern Time on the closing date.

ADDRESSES:

Document availability: You may obtain copies of the proposed rule and associated documents on the internet at *http://www.regulations.gov* at Docket No. FWS– R4–ES–2013–0040 or by mail from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Written Comments: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov*. Submit comments on the critical habitat proposal and associated draft economic analysis by searching for Docket No. FWS–R4–ES–2013–0040, which is the docket number for this rulemaking.

(2) *By hard copy:* Submit comments on the critical habitat proposal and associated DEA by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2013–0040; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Marelisa Rivera, Deputy Field Supervisor, Caribbean Ecological Services Field Office, P.O. Box 491, Road 301 Km. 5.1, Boquerón, Puerto Rico 00622; by telephone (787–851–7297), or by facsimile (787–851–7440). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments

We will accept written comments and information during this reopened comment period on our proposed designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* that was published in the **Federal Register** on October 22, 2013 (78 FR 62529), our DEA of the proposed designation, and the amended required determinations provided in this document. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as ''critical habitat'' under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.

(2) Specific information on:

(a) The amount and distribution of *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* (which we refer to collectively as the three Caribbean plants) and their habitat;

(b) What areas occupied by the species at the time of listing that contain features essential for the conservation of the species we should include in the designation and why;

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(d) What areas not occupied at the time of listing are essential to the conservation of the species and why.

(3) Land use designations and current or planned activities in the subject areas and their probable impacts on proposed critical habitat.

(4) Information on the projected and reasonably likely impacts of climate change on the three Caribbean plants and proposed critical habitat.

(5) Any foreseeable economic, national security, or other relevant impacts of designating any area that may be included in the final designation. We are particularly interested in any impacts on small entities, and the benefits of including or excluding areas from the proposed designation that are subject to these impacts.

(6) Information on the extent to which the description of economic impacts in the DEA is a reasonable estimate of the likely economic impacts.

(7) The likelihood of adverse social reactions to the designation of critical habitat, as discussed in the associated documents of the DEA, and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed critical habitat designation.

(8) Whether any areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under section 4(b)(2) of the Act.

(9) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

If you submitted comments or information on the proposed rule (78 FR 62529) during the initial comment period from October 22, 2013, to December 23, 2013, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and we will fully consider them in the preparation of our final determination. Our final

determination concerning revised critical habitat will take into consideration all written comments and any additional information we receive during both comment periods. On the basis of public comments, we may, during the development of our final determination, find that areas proposed are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion.

You may submit your comments and materials concerning the proposed rule or DEA by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. We will post all hardcopy comments on *http://www.regulations.gov* as well. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule and DEA, will be available for public inspection on *http://www.regulations.gov* at Docket No. FWS–R4–ES–2013–0040, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed rule and the DEA on the Internet at *http://www.regulations.gov* at Docket Number FWS–R4–ES–2013–0040, or by mail from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT** section).

Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* in this document. For more information on previous Federal actions concerning the three Caribbean plants, refer to the proposed designation of critical habitat published in the **Federal Register** on October 22, 2013 (78 FR 62529). For more information on the three Caribbean plants or its habitat, refer to the proposed listing rule published in the **Federal Register** on October 22, 2013 (78 FR 62560), which is available online at *http://www.regulations.gov* (at Docket Number FWS–R4–ES–2013–0103) or from the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Previous Federal Actions

On October 22, 2013, we published a proposed rule to designate critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* (78 FR 62529). Specifically, we proposed to designate approximately:

- 20.5 hectares (ha) (50.6 acres (ac)) in 6 units as critical habitat for *Agave eggersiana* in St. Croix, USVI.
- 80.1 ha (198 ac) in 2 units as critical habitat for *Gonocalyx concolor* in Puerto Rico.
- 2,648 ha (6,548 ac) in 7 units as critical habitat for *Varronia rupicola* in Puerto Rico and Vieques Island.

That proposal had a 60-day comment period, ending December 23, 2013.

Critical Habitat

Section 3 of the Act defines critical habitat as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting critical habitat must consult with us on the effects of their proposed actions, under section 7(a)(2) of the Act.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act requires that we designate critical habitat based upon the best scientific data available, after taking into consideration the economic impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

When considering the benefits of inclusion for an area, we consider, among other factors, the additional regulatory benefits that an area would receive through the analysis under section 7 of the Act addressing the destruction or adverse modification of critical habitat as a result of actions with a Federal nexus (activities conducted, funded, permitted, or authorized by Federal agencies), the educational benefits of identifying areas containing essential features that aid in the recovery of the listed species, and any ancillary benefits triggered by existing local, State, or Federal laws as a result of the critical habitat designation.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to incentivize or result in conservation; the continuation, strengthening, or encouragement of partnerships; or implementation of a management plan. In the case of *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola,* the benefits of critical habitat include public awareness of the presence of the three Caribbean plants and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for the three Caribbean plants due to protection from adverse modification or destruction of critical habitat. In practice, situations with a Federal nexus exist primarily on Federal lands or for projects undertaken by Federal agencies.

We have not proposed to exclude any areas from critical habitat. However, the final decision on whether to exclude any areas will be based on the best scientific data available at the time of the final designation, including information obtained during the comment period and information about the economic impact of designation. Accordingly, we have prepared the DEA, which is available for review and comment (see **ADDRESSES**).

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable

economic impact of a proposed critical habitat designation is analyzed by comparing scenarios ''with critical habitat'' and ''without critical habitat.''

The ''without critical habitat'' scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). The baseline, therefore, represents the costs of all efforts attributable to the listing of the species under the Act (i.e., conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct an optional 4(b)(2) exclusion analysis.

For this designation, we developed an Incremental Effects Memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* (IEc 2014, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out the geographic areas in which the critical habitat designation is unlikely to result in probable incremental economic impacts. In particular, the screening analysis considers baseline costs (i.e., absent critical habitat designation) and includes probable economic impacts where land and water use may be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. The screening analysis filters out particular areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. The screening analysis also assesses whether units are unoccupied by the species and may require additional management or conservation efforts as a result of the critical habitat designation and may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM is our draft economic analysis (DEA) of the proposed critical habitat designation for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* and is summarized in the narrative below.

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly impacted entities, where practicable and reasonable. We assess, to the extent practicable and if sufficient data are available, the probable impacts to both directly and indirectly impacted entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our IEM, first we identified the probable incremental economic impacts associated with the following categories of activities: (1) Commercial or residential developments; (2) permits required when an activity results in the discharge of dredge or fill material into the waters of the United States; (3) removal of unexploded ordnance that involves vegetation removal; (4) restoration of coastal habitat; (5) control of invasive species; and (6) creation of new trails. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation will not affect activities that do not have any Federal involvement, but only activities conducted, funded, permitted, or authorized by Federal agencies. In areas where *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* are present, Federal agencies already are required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. If we finalize this proposed critical habitat designation, consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process.

In our IEM, we attempted to distinguish between the effects that will result from the species being listed and those attributable to the critical habitat designation (i.e., the difference between the jeopardy and adverse modification standards) for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola*'s critical habitat. Because the designation of critical habitat for three Caribbean plants was proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical and biological features identified for critical habitat are the same features essential for the life requisites of the species and (2) any actions that would result in sufficient harm or harassment to constitute jeopardy to *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* would also likely adversely affect the essential physical and biological features of critical habitat. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species.

The proposed critical habitat designation for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* totals approximately 2,748 ha (6795.6 ac) in 15 units. Of the 15 units, 11 are considered occupied (4 units for *A. eggersiana,* 2 units for *G. concolor,* and 5 units for *V. rupicola).* The proposed critical habitat designation includes lands under Federal (7.4 percent), U.S. Virgin Islands Territory (St. Croix, 0.3 percent), Commonwealth of Puerto Rico (30 percent), and private (62 percent) land ownership. All of the Federal lands are part of the Vieques National Wildlife Refuge.

In the occupied areas (93 percent), any actions that may affect designated critical habitat would also affect the species, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of *A. eggersiana, G. concolor,* and *V. rupicola.* Therefore, only administrative costs are expected in approximately 93 percent of the proposed critical habitat designation.

While this additional analysis will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities we expect will be subject to consultations that may involve private entities as third parties are residential and commercial development that may occur on private lands. However, based on coordination efforts with State and local agencies, the cost to private entities within these sectors is expected to be relatively minor (administrative costs from $400 to $9,000 per consultation effort).

The remaining 7 percent of the total proposed critical habitat designation is currently unoccupied habitat (two units for *A. eggersiana* and two units for *V. rupicola*) but is essential for the conservation of the species. In these unoccupied areas, any conservation efforts or associated probable impacts would be considered incremental effects attributed to the critical habitat designation. However, these unoccupied areas are already managed for conservation purposes, so few actions are expected to occur that will require section 7 consultation or associated project modifications for protection of critical habitat. In particular, consultations in these areas are anticipated to be associated with restoration of coastal habitat, minimization of trail creation and expansion, and invasive species control. Because the unoccupied areas are already set aside for conservation purposes, these anticipated activities are expected to be generally consistent with the needs of the species. Modifications to accommodate the three plants are expected to be relatively small and are unlikely to exceed $100 million in any single year.

The probable incremental economic impacts of critical habitat designation for *A.eggersiana, G. concolor,* and *V. rupicola* are expected to be limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This is due to two factors: (1) A large portion of proposed critical habitat area is occupied by the species (93 percent), and incremental economic impacts of critical habitat designation, other than administrative costs, are unlikely; and (2) in proposed areas that are not occupied by the three Caribbean plants (7 percent), few actions are anticipated that will result in section 7 consultation or associated project modifications. At approximately $400 to $9,000 per consultation, in order to reach the threshold of $100 million of incremental administrative impacts in a single year, annual critical habitat designation would have to result in more than 12,000 consultations in a single year. Based on past consultation history alone, this is highly unlikely. Therefore, future probable incremental economic impacts are not likely to exceed $100 million in any single year.

Required Determinations—Amended

In our October 22, 2013, proposed rule (78FR62529), we indicated that we would defer our determination of compliance with several statutes and executive orders until we had evaluated the probable effects on landowners and stakeholders and the resulting probable economic impacts of the designation. Following our evaluation of the probable incremental economic impacts resulting from the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola,* we have amended or affirmed our determinations below. Specifically, we affirm the information in our proposed rule concerning Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 12630 (Takings), E.O. 13132 (Federalism), E.O. 12988 (Civil Justice Reform), E.O. 13211 (Energy, Supply, Distribution, and Use), the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). However, based on our evaluation of the probable incremental economic impacts of the proposed designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola,* we are amending our required determination concerning the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and Takings (E.O. 12630).

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

The Service's current understanding of the requirements under the RFA, as amended, and following recent court decisions, is that Federal agencies are only required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself and, therefore, are not required to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the Agency is not likely to adversely modify critical habitat. Therefore, under these circumstances only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and

adverse modification) imposed by critical habitat designation. Accordingly, our position is that only Federal action agencies will be directly regulated by this designation. Federal agencies are not small entities, and, to this end, there is no requirement under RFA to evaluate the potential impacts to entities not directly regulated. Therefore, because no small entities are directly regulated by this rulemaking, the Service certifies that, if promulgated, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if promulgated, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

E.O. 12630 (Takings)

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private parties that receive Federal funding or assistance, or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. The DEA found that no significant economic impacts are likely to result from the designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola.* Because the Act's critical habitat protection requirements apply only to Federal agency actions, few conflicts between critical habitat and private property rights should result from this designation. Based on information contained in the DEA and described within this document, it is not likely that economic impacts to a property owner would be of a sufficient magnitude to support a takings action. Therefore, the takings implications assessment concludes that this designation of critical habitat for *Agave eggersiana, Gonocalyx concolor,* and *Varronia rupicola* does not pose significant takings implications for lands within or affected by the designation.

Authors

The primary authors of this notice are the staff members of the Caribbean Ecological Service Field Office, Southeast Region, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 9, 2014.

Michael J. Bean,

Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–11731 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140220160–4160–01]

RIN 0648–BD99

Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 2

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This rule proposes regulations to approve and implement measures in Framework Adjustment 2 to the Northeast Skate Complex Fishery Management Plan (FMP). The proposed action was developed by the New England Fishery Management Council to set specifications for the skate fisheries for the 2014 and 2015 fishing years, including a reduced annual catch limit and total allowable landings. Framework 2 would also modify reporting requirements for skate fishing vessels and seafood dealers to improve species-specific data collection. The action is necessary to update the Skate FMP to be consistent with the best available scientific information, and improve management of the skate fisheries. The proposed action is expected to help conserve skate stocks, while maintaining economic opportunities for the skate fisheries.

DATES: Comments must be received on or before June 20, 2014.

ADDRESSES: Copies of the framework, including the Environmental Assessment and Regulatory Impact Review (EA/RIR) and other supporting documents for the action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The framework is also accessible via the Internet at: *http://www.nero.noaa.gov.*

You may submit comments, identified by NOAA–NMFS–2014–0037, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0037,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Skate Framework 2.''

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF formats only.

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Policy Analyst, (978) 281–9273.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council is responsible for developing management measures for skate fisheries in the northeastern U.S. through the Northeast Skate Complex Fishery Management Plan (Skate FMP). Seven skate species are managed under the Skate FMP: Winter; little; thorny;

barndoor; smooth; clearnose; and rosette. The Council's Scientific and Statistical Committee (SSC) reviews the best available information on the status of skate populations and makes recommendations on acceptable biological catch (ABC) for the skate complex (all seven species). This recommendation is then used as the basis for catch limits and other management measures for the skate fisheries.

The regulations implementing the Skate FMP at 50 CFR part 648, subpart O, outline the management procedures and measures for the skate fisheries. Specifications including the annual catch limit (ACL), annual catch target (ACT), total allowable landings (TALs) for the skate wing and bait fisheries, and possession limits may be specified for up to 2 years. The current specifications expire at the end of the 2013 fishing year (April 30, 2014); therefore, the Council was required to develop new specifications for the 2014 and 2015 fishing years. In addition to setting specifications, the Council desired to modify skate fishing vessel and dealer reporting requirements to improve species-specific skate landings data. Framework 2 was initiated to accomplish both of these objectives.

Proposed Specifications

In November 2013, the SSC reviewed updated information on the status of the seven species in the skate complex, including new research on discard mortality rates, and recommended an ABC of 35,479 mt for 2014 and 2015 (a 30-percent reduction from 2013). The recommended catch reduction is largely based on trawl survey biomass declines in the more abundant little and winter skate species. Winter skate was determined to be experiencing overfishing in 2013, and thorny skate (a prohibited species) is both overfished and experiencing overfishing.

The Council met in January 2014 to discuss the necessary changes to the specifications following the procedures set forth in Amendment 3 to the Skate FMP (75 FR 34049, June 16, 2010), and to consider recommendations from its Skate Oversight Committee and Skate Advisory Panel. Framework 2 was developed and submitted to NMFS to recommend these specifications and recommendations. The Council has recommended, and NMFS is proposing in this rule, the following specifications for the skate fisheries for the 2014–2015 fishing years:

1. Skate ABC and annual catch limit (ACL) of 35,479 mt;
2. Annual catch target (ACT) of 26,609 mt;
3. Total allowable landings (TAL) of 16,385 mt (the skate wing fishery is allocated 66.5 percent of the TAL (10,896 mt) and the skate bait fishery is allocated 33.5 percent of the TAL (5,489 mt, divided into three seasons according to the regulations at § 648.322));
4. Status quo skate wing possession limits, as defined in § 648.322(b): 2,600 lb (1,179 kg) wing weight per trip for Season I (May 1 through August 31), and 4,100 lb (1,860 kg) wing weight per trip for Season II (September 1 through April 30) for vessels fishing on a Northeast Multispecies, Monkfish, or Scallop day-at-sea. The Northeast Multispecies Category-B day-at-sea possession limit remains at 220 lb (100 kg) wing weight per trip, and the non-day-at-sea incidental possession limit remains at 500 lb (227 kg) wing weight per trip; and,
5. Status quo skate bait possession limit, as defined in § 648.322(c): 25,000 lb (11,340 kg) whole weight per trip for vessels carrying a valid Skate Bait Letter of Authorization.

The Council did not recommend any changes to the existing in-season incidental possession limit trigger points (85 percent in the wing fishery, 90 percent in the bait fishery). While these reductions in catch limits are expected to address the current overfishing status for winter skates (not overfished), the Council intends to develop a new skate action during 2014 to address overfishing and rebuild overfished thorny skates.

Vessel and Dealer Reporting Requirements

A long-term goal of the Skate FMP has been to improve species-specific skate catch information. However, currently, the vast majority of skate landings are simply reported as ''unclassified skate,'' which hinders single-species assessment and management efforts. The proposed changes include removing ''unclassified skate'' as a valid reporting option for vessels and dealers, and removing the smaller rosette, smooth, and little skates as valid reporting options in the skate wing fishery (i.e., species that do not reach a marketable size for the wing fishery).

Skate bait vessels and dealers would be required to report landings by species from among the following options: Winter skate; little skate; little/winter skate (unknown mix of these two species); barndoor skate; smooth skate; thorny skate; clearnose skate; or rosette skate. Skate wing vessels and dealers would be required to report landings by species from among these options: Winter skate; barndoor skate; thorny skate; or clearnose skate. Based upon NMFS port sampling data, over 98 percent of skate wing fishery landings are composed of winter skate, so it is expected that most of the ''unclassified'' skate wing landings would translate into ''winter skate'' landings. Similarly, approximately 90 percent of skate bait landings are composed of little skate, with the remainder being largely comprised of juvenile winter skates. Therefore, ''unclassified'' landings in the bait fishery are expected to translate into ''little skate'' or ''little/winter skate'' landings. While in most circumstances it is unlawful to retain, land, or possess barndoor, thorny, and smooth skates, vessels and fish dealers must still report the unauthorized landing of these species when they occur. Outreach, education, and continued monitoring of landings by NMFS would help aid fishing vessels and dealers with this transition.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the Skate FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for the purpose of E.O. 12866.

The Council prepared an IRFA, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA consists of Framework 2, the EA for Framework 2, and this preamble to the proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section of the preamble and in the **SUMMARY** of this proposed rule. A copy of this analysis is available from the Councils (see **ADDRESSES**).

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

This rule will impact fishing vessels, including commercial fishing entities. In 2012, there were 2,265 vessels that held an open access skate permit. However, not all of those vessels are active participants in the fishery. If two

or more vessels have identical owners, these vessels should be considered to be part of the same firm, because they may have the same owners. According to the Small Business Administration (SBA), firms are classified as finfish or shellfish firms based on the activity which they derive the most revenue. Using the $5M cutoff for shellfish firms (NAICS 114112) and the $19M cutoff for finfish firms (NAICS 114111), there are 526 active fishing firms, of which 519 are small entities and 7 are large entities. On average, for small entities, skate is responsible for a small fraction of landings, and active participants derive a small share of gross receipts from the skate fishery (approximately 34 percent in 2011 and 2012 fishing years came from skate revenue).

Economic Impacts of the Proposed Action Compared to Significant Non-Selected Alternatives

During 2012, total revenues from skate landings were valued at approximately $6.6 million. The 2012 data is representative of an average-landings skate year, whereas the 2011 data is representative of a recent high-landings skate year. Compared to the no action alternative, the proposed reduction in the skate TALs (30 percent) could reduce potential annual skate revenues. However, fishing year 2012 actual skate landings were below the proposed TAL, suggesting that it is unlikely that potential revenue losses would be directly commensurate with the TAL reduction. If skate landings in 2014 and 2015 are comparable to those observed in 2012, then the skate fishery may experience no loss of skate revenue, but may actually come closer to fully harvesting the available amount of landings.

The preferred (status quo) skate wing and bait possession limit alternatives were selected because they have a high likelihood of providing a consistent rate of skate landings for the entire fishing year, while likely achieving 100 percent of the respective TALs. Alternatives with lower possession limits (1,500 lb (680 kg)/2,400 lb (1,089 kg) in the wing fishery; 20,000 lb (9,072 kg) in the bait fishery) would increase the likelihood of not achieving the proposed TAL by the end of the year, resulting in losses of potential skate revenues. One alternative for a higher skate wing possession limit (5,000 lb (2,268 kg)) was not preferred because it was projected to reach the in-season incidental possession limit trigger point (85 percent of the TAL) early in the fishing year, effectively closing the directed skate wing fishery for part of the year, which would result in distributional shifts of benefits from late-season harvesters to summer harvesters.

Changes to skate vessel and dealer reporting requirements are administrative measures, and the preferred and no action alternatives have no associated economic impacts. Vessels and dealers are already required to report the skates that they catch/purchase.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 14, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.7, revise paragraphs (a)(1)(iii), and (b)(1)(iii) to read as follows:

§ 648.7 Recordkeeping and reporting requirements.

* * * * *

(a) * * *

(1) * * *

(iii) *Dealer reporting requirements for skates.* In addition to the requirements under paragraph (a)(1)(i) of this section, dealers shall report the species of skates received. Species of skates received as bait shall be identified according to the following categories: Winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, and rosette skate. Species of skates received as wings (or other product forms not used for bait) shall be identified according to the following categories: Winter skate, barndoor skate, thorny skate, and clearnose skate. NMFS will provide dealers with a skate species identification guide.

* * * * *

(b) * * *

(1) * * *

(iii) *Vessel reporting requirements for skates.* In addition to the requirements under paragraph (b)(1)(i) of this section, the owner or operator of any vessel issued a skate permit shall report the species of all skates landed. Species of skates landed for bait shall be identified according to the following categories: Winter skate, little skate, little/winter skate, barndoor skate, smooth skate, thorny skate, clearnose skate, and rosette skate. Species of skates landed as wings (or other product forms not used for bait) shall be identified according to the following categories: Winter skate, barndoor skate, thorny skate, and clearnose skate. Discards of skates shall be reported according to two size classes, large skates (greater than or equal to 23 inches (58.42 cm) in total length) and small skates (less than 23 inches (58.42 cm) in total length). All other vessel reporting requirements remain unchanged. NMFS will provide vessel owners or operators that intend to land skates with a skate identification guide to assist in this data collection program.

* * * * *

[FR Doc. 2014–11664 Filed 5–20–14; 8:45 am]

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Notices

Federal Register

Vol. 79, No. 98

Wednesday, May 21, 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 15, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by June 20, 2014. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Grain Inspection, Packers & Stockyards Administration

Title: ''Clear Title''—Protection for Purchasers of Farm Products.

OMB Control Number: 0580–0016.

Summary of Collection: Grain Inspection, Packers and Stockyards Administration (GIPSA) have the responsibility for the Clear Title Program (Section 1324 of the Food Security Act of 1985. Clear Title Program was enacted to facilitate interstate commerce in farm products and protect purchasers of farm products by enabling States to establish central filing systems. The Clear Title Program purpose is to remove burden on and obstruction to interstate commerce in farm products such as double payment for the products, once at the time of purchase and again when the seller fails to repay the lender. The Food Security Act of 1985 permits the states to establish ''central filing systems'. These central filing systems notify buyers of farm products of any mortgages or liens on the products.

Need and Use of the Information: A state submits information one time to GIPSA when applying for certification. The type of information required by the regulations includes how the system will operate, information to be submitted to the State for inclusion in the central filing system, information on storage, retrieval, and distribution of information contained in the central filing system. GIPSA reviews the information submitted by the states to certify that those central filing systems meet the criteria set forth in section 1324 of the Food Security Act of 1985. The information received from the State is available for public inspection.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 80.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–11754 Filed 5–20–14; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 15, 2014.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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Rural Utilities Service

Title: Telecommunications System Construction Policies and Procedures.

OMB Control Number: 0572–0059.

Summary of Collection: The Rural Electrification Act of 1936 (RE Act), 7 U.S.C. 901 *et seq.,* was amended in 2002 by Title IV, Rural Broadband Access, by Farm Security and rural Investment Act, which authorizes Rural Utilities Service (RUS) to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition for facilities and equipment for the provision of broadband service in eligible rural communities in the States and territories of the United States. Title VI of the RE Act requires that loans are granted only to borrowers who demonstrated that they will be able to repay in full within the time agreed. RUS has established certain standards and specification for materials, equipment and construction to assure that standards are maintained; loans are not adversely affected, and loans are used for intended purposes.

Need and Use of the Information: RUS has developed specific forms for borrowers to use when entering into contracts for goods or services. The information collected is used to implement certain provisions of loan documents about the borrower's purchase of materials and equipment and the construction of its broadband system and is provided on and as needed basis or when the individual borrower undertakes certain projects. The standardization of the forms has resulted in substantial savings to borrowers by reducing preparation of the documentation and the costly review by the government.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 513.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 10,720.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–11708 Filed 5–20–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Dakota Prairie Grasslands; North Dakota; Environmental Impact Statement for Greater Sage-Grouse Grasslands Plan Amendment

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare and environmental impact statement.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), the Federal Land Policy and Management act of 1976, as amended (FLPMA), and the Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (NFMA), the Forest Service intends to prepare an environmental impact statement (EIS) to amend the Dakota Prairie Grasslands Land and Resource Management Plan (DPG LRMP). This notice is announcing the beginning of the scoping process to solicit public comments and identify issues relative to the greater sage-grouse. This analysis will be the basis of the record of decision.

DATES: Comments concerning the scope of the analysis must be received by July 7, 2014. The draft environmental impact statement is expected November 2014, and the final environmental impact statement is expected June 2015.

ADDRESSES: Send written comments to: Dennis Neitzke, Grasslands Supervisor, 1200 Missouri Avenue, Bismarck, ND 58504. Comments may also be sent via email to: *comments-northern-dakota-prairie@fs.fed.us* or via facsimile to: 701–989–7299.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Cristi Corey-Luse, Environmental Coordinator, phone 559–359–5608 or email *ccoreyluse@fs.fed.us.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a replay during normal business hours. In all correspondence, please include your name, address, and organization name if you are commenting as a representative of an organization.

SUPPLEMENTARY INFORMATION: In March of 2010 the U.S. Fish and Wildlife Service (USFWS) published a ''warranted, but precluded'' Endangered Species Act-listing-petition decision for the greater sage-grouse. Inadequacy of regulatory mechanisms was identified as a significant factor in the USFWS finding on the petition to list the species. The USFWS concluded that existing regulatory mechanisms to protect greater sage-grouse, ''. . . afford sufficient discretion to the decision makers as to render them inadequate to ameliorate the threats to the [greater sage-grouse].'' The major threat in regards to actions authorized on national forest system and other public lands is habitat modification. Habitat modification on Federal lands includes threats from infrastructure (fences, powerlines, and roads), recreation, mining, energy development, grazing, fire, invasive species, noxious weeds, conifer encroachment, and climate change.

Purpose and Need for Action

The purpose of the project is to determine what management direction (that is, regulatory mechanisms) should be incorporated into the DPG LRMP to conserve, enhance, and/or restore sagebrush and associated habitats to contribute to the long-term viability of the greater sage-grouse. This is needed to address the recent ''warranted, but precluded'' ESA decision from the USFWS by addressing needed changes in the management and conservation of greater sage-grouse habitats on lands managed by the Dakota Prairie Grasslands within the State of North Dakota.

Proposed Action

The Forest Service is proposing to amend the DPG LRMP by adding to or changing some of the management direction (that is, regulatory mechanisms) that would reduce, eliminate, or minimize threats to the greater sage-grouse on National Forest System lands that are considered priority and general habitat for the greater sage grouse. A planning area map is provided in the scoping document (see ''Scoping Process'' subsection below).

Based on threats identified in the USFWS decision on the petition listing for the greater sage-grouse, the proposed management direction would address at a minimum the following resource areas and resource uses on national forest system lands: Recreation management, fire and fuels management, rangeland management, invasive species, rights-of-way management, special uses, transportation system and facilities management, minerals management (locatable, fluid, and saleable), habitat restoration/vegetation management, and renewable energy development.

Specific desired conditions, goals, objectives, standards, and guidelines amendments to the LRMP, although not yet developed, would focus on creating specific habitat objectives for the greater sage-grouse. These desired conditions, goals, objective, standards, and guidelines would relate to the following areas:

- Activity restricting seasonal time frames;

• Buffers of protection around important habitats;
• Vegetative cover requirements; and
• Mitigation requirements for predator perches.

The decisions based on this analysis may make changes in the lands available for oil and gas leasing, as well as changes in the stipulations applied to lands that are made available for leasing. There may also be changes to the lands determined suitable for linear rights-of-way corridors for powerlines and pipelines.

Any decisions will recognize valid existing rights. The decisions will be limited to making land use planning direction specific to the conservation of habitat of the greater sage-grouse on approximately 96,000 acres of habitat (66,000 of priority habitat and 30,000 of general habitat) on the Medora District of the Little Missouri Grassland.

Finally, the LRMP amendment would address the objectives identified in the USFWS Conservation Objectives Team report.

The purpose of the public scoping process is to determine relevant issues related to the conservation of the greater sage-grouse and its habitat that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS.

As allowed at 36 CFR 219.17(b)(2), ''. . . with respect to plans approved or revised under a prior planning regulation, including the transition provisions of the reinstated 2000 rule (36 CFR part 219, published at 36 CFR parts 200 to 299, revised as of July 1, 2010), plan amendments may be initiated under the provisions of the prior planning regulation for 3 years after May 9, 2012, and may be completed and approved under those provisions . . .''.

As allowed at 36 CFR 219.17(b)(2), the responsible official has opted to initiate and complete this proposed plan amendment consistent with transition provisions of the reinstated 2000 rule. Determination as to whether the amendment is significant or not significant will be based on Forest Service direction at the time of the decision. Based on current direction found in Forest Service Manual 1926.52, the amendment is expected to be not significant.

Possible Alternatives

Under the no-action alternative the LRMP would not be amended to incorporate new or change existing regulatory mechanisms. There are no other alternatives to the proposed action identified at this time.

Lead and Cooperating Agencies

The Forest Service is the lead agency, and has invited the BLM, North Dakota Game and Fish Department, USFWS, Natural Resources Conservation Service, Bowman-Slope Soil Conservation District, to participate as cooperating agencies. Other Federal, State, and local agencies that may be interested or affected by the Forest Service's decision on this proposal, may request or be requested by the Forest Service to participate as a cooperating agency also.

Responsible Official

The responsible official is Dennis Neitzke, Grasslands Supervisor, Dakota Prairie Grasslands, 1200 Missouri Avenue, Bismarck, ND 58504.

Nature of Decision To Be Made

Based on the analysis conducted and represented in the EIS and project record, the responsible official will decide whether or not to amend the LRMP as described in the proposed action, or in one of the alternatives to the proposed action, or by combining elements of the proposed action and alternatives to create a decision that best meets the purpose of conserving, enhancing, and/or restoring habitats to provide for the long-term viability of the greater sage-grouse.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. The scoping document is posted on the Dakota Prairie National Grasslands public Web site at: *http://www.fs.usda.gov/dpg/.* During the scoping period the Forest will solicit comments from interested parties and the public. It is important that reviewers provide their comments at such times and in such manner that they are useful to the Agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, the Forest Service would not be able to provide the respondent with subsequent environmental documents. This proposal has been listed on the Dakota Prairie Grasslands Schedule of Proposed Actions since May, 2014.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

As required under 36 CFR 219.17(b)(2), this proposed plan amendment is subject to the pre-decisional administrative review process (''objection procedure'') set forth in 36 CFR Part 219 Subpart B. Only those individuals and entities who have submitted substantive formal comments related to the proposed plan amendment during opportunities for public comment may file an objection. Objections must be based on previously submitted substantive formal comments attributed to the objector, unless the objection concerns an issue that arises after the opportunities for formal comment (36 CFR 219.53). Comments are considered substantive when they are within the scope of the proposal, are specific to the proposal, have a direct relationship to the proposal, and include supporting reasons for the responsible official to consider (36 CFR 219.62). Formal comments received from an authorized representative(s) of an entity are considered those of the entity only. A member of an organization must submit substantive formal comments independently to be eligible to file an objection in an individual capacity (36 CFR 219.53(b)). Substantive formal comments must be written comments submitted to, or oral comments recorded by, the responsible official or designee during an opportunity for public participation and attributed to the individual or entity providing them (36 CFR 219.62). For this proposal, the opportunities for public participation are the 45-day-scoping-comment period announced by this notice of intent and the 90-day-comment period that begins when the Environmental Protection Agency publishes the notice of availability of the draft EIS in the **Federal Register**.

Dated: May 2, 2014.

Dennis D. Neitzke,

Grasslands Supervisor.

[FR Doc. 2014–11736 Filed 5–20–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funding Availability (NOFA) for Loan Guarantees Under Section 538 Guaranteed Rural Rental Housing Program (GRRHP) for Fiscal Year 2014

AGENCY: Rural Housing Service, USDA.

ACTION: NOFA.

SUMMARY: This is a request for proposals for guaranteed loans under the Section 538 Guaranteed Rural Rental Housing Program (GRRHP) pursuant to 7 CFR 3565.4 for Fiscal Year (FY) 2014. The Consolidated Appropriations Act, 2014, Public Law 113–76 (January 17, 2014) appropriated $150 million in FY 2014. The commitment of program dollars will be made first to approved and complete applications from prior years' notices, then to applicants of selected responses in the order they are ranked under this Notice that have fulfilled the necessary requirements for obligation. Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available to the Agency through appropriations.

Expenses incurred in developing applications will be at the applicant's risk. The following paragraphs outline the timeframes, eligibility requirements, lender responsibilities, and the overall response and application processes.

Eligible lenders are invited to submit responses for new construction and acquisition with rehabilitation of affordable rural rental housing. The Agency will review responses submitted by eligible lenders, on the lender's letterhead, and signed by both the prospective borrower and lender. Although a complete application is not required in response to this Notice, eligible lenders may submit a complete application concurrently with the response. Submitting a complete application will not have any effect on the respondent's response score.

DATES: Eligible responses to this Notice will be accepted until December 31, 2015, 12:00 p.m. Eastern Time. Selected responses that develop into complete applications and meet all Federal eligibility requirements prior to September 30, 2014 will receive conditional commitments until all FY 2014 funds are expended. Selected responses to this Notice that are deemed eligible for further processing after September 30, 2014, will be funded to the extent an appropriation act provides sufficient funding in the fiscal year the response is selected. Responses are subject to the fee structure in effect on the fiscal year they are selected.

Eligible lenders mailing a response or application must provide sufficient time to permit delivery to the appropriate submission address below on or before the closing deadline date and time. Acceptance by a U.S. Post Office or private mailer does not constitute delivery. Postage due responses and applications will not be accepted.

Submission Address: Eligible lenders will send responses to the Multi-Family Housing Program Director of the State Office where the project will be located.

USDA Rural Development State Offices, their addresses, and telephone numbers, may be found at *http://www.rurdev.usda.gov/recd_map.html.*

Note: Telephone numbers listed there are not toll-free.

FOR FURTHER INFORMATION CONTACT: Monica Cole, Financial and Loan Analyst, USDA Rural Development Guaranteed Rural Rental Housing Program, Multi-Family Housing Guaranteed Loan Division, U.S. Department of Agriculture, South Agriculture Building, Room 1263–S, STOP 0781, 1400 Independence Avenue SW., Washington, DC 20250–0781 or email: *monica.cole@wdc.usda.gov.* Telephone: (202) 720–1251. This number is not toll-free. Hearing or speech-impaired persons may access that number by calling the Federal Information Relay Service toll-free at (800) 877–8339.

Overview

Federal Agency: Rural Housing Service.

Solicitation Opportunity Title: Guaranteed Multi-Family Housing Loans.

Announcement Type: Initial Solicitation Announcement.

Catalog of Federal Domestic Assistance: 10.438.

Dates: Response Deadline: December 31, 2015, 12:00 p.m. Eastern Time.

I. Funding Opportunity Description

The GRRHP is authorized by Section 538 of the Housing Act of 1949, as amended (42 U.S.C. 1490p–2) and operates under 7 CFR part 3565. The purpose of the GRRHP is to increase the supply of affordable rural rental housing through the use of loan guarantees that encourage partnerships between the Agency, private lenders, and public agencies.

Eligibility of Prior Year Selected Responses: Prior fiscal year response selections that did not develop into complete applications within the time constraints stipulated by the corresponding State Office have been cancelled. Applicants have been notified of the cancellation by the State Office. A new response for the project may be submitted subject to the conditions of this Notice.

Prior years' responses that were selected by the Agency, with a complete application submitted by the lender within 90 days from the date of notification of response selection (unless an extension was granted by the Agency), will be eligible for FY 2014 program dollars without having to complete a FY 2014 response. A complete application includes all Federal environmental documents required by 7 CFR part 1940, subpart G, and a Form RD 3565–1, ''*Application for Loan and Guarantee.''* Any approved applications originating from FY 2013 and previous fiscal years (outstanding prior years approved applications) that are obligated in FY 2014, however, are subject to ''*PROGRAM FEES FOR FY 2014''* section in this Notice. Outstanding prior years approved applications will be obligated to the extent of available funding in order of priority score with the highest scores obligated first. The scores the applications received under the NOFA the year the application was submitted will be used for the ranking. In the case of tied scores, the project with the greatest leveraging (lowest loan to cost ratio) will receive selection priority. Once the outstanding prior years approved applications have been funded, the Agency will select FY 2014 responses for further processing in rank order as determined by the scoring criteria set forth in this Notice to the extent that funds remain available.

II. Award Information

Anyone interested in submitting an application for funding under this program is encouraged to consult the Rural Development Web site *http://www.rurdev.usda.gov/HAD-Guaranteed_Rental_Loans.html* periodically for updated information regarding the status of funding authorized for this program.

Qualifying Properties: Qualifying properties include new construction for multi-family housing units and the acquisition of existing structures with a minimum per unit rehabilitation expenditure requirement in accordance with 7 CFR 3565.252.

Also eligible is the revitalization, repair, and transfer (as stipulated in 7 CFR 3560.406) of existing direct Section 515 housing and Section 514/516 Farm Labor Housing (FLH) (transfer costs are subject to Agency approval and must be an eligible use of loan proceeds as listed in 7 CFR 3565.205), and properties involved in the Agency's Multi-Family Preservation and Revitalization (MPR) program. Equity payment, as stipulated in 7 CFR 3560.406, in the transfer of existing direct Section 515 and Section 514/516 FLH, is an eligible use of guaranteed loan proceeds. In order to be considered, the transfer of Section 515 and Section 514/516 FLH and MPR projects must need repairs and undergo

revitalization of a minimum of $6,500 per unit.

Eligible Financing Sources: Any form of Federal, State, and conventional sources of financing can be used in conjunction with the loan guarantee, including Home Investment Partnerships Program (HOME) grant funds, tax exempt bonds, and Low Income Housing Tax Credits (LIHTC).

Types of Guarantees: The Agency offers three types of guarantees which are set forth at 7 CFR 3565.52(c). The Agency's liability under any guarantee will decrease or increase, in proportion to any decrease or increase in the amount of the unpaid portion of the loan, up to the maximum amount specified in the Loan Note Guarantee. Penalties incurred as a result of default are not covered by any of the program's guarantees. The Agency may provide a lesser guarantee based upon its evaluation of the credit quality of the loan.

Energy Conservation: All new multi-family housing projects financed in whole or in part by the USDA, are encouraged to engage in sustainable building development that emphasizes energy-efficiency and conservation. In order to assist in the achievement of this goal, any GRRHP project that participates in one or all of the programs included in priority 7 under the ''*Scoring of Priority Criteria for Selection of Projects''* section of this Notice may receive a maximum of 25 additional points added to their project score. Participation in these nationwide initiatives is voluntary, but strongly encouraged.

Interest Credit: The Consolidated Appropriations Act, 2014 did not fund interest credit.

Program Fees for FY 2014: The Consolidated Appropriations Act, 2014, Public Law 113–76 (January 17, 2014) continued the provision ''That to support the loan program level for Section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq), and the interest on such loans may not be subsidized.'' The following fees have been determined necessary to cover the projected cost of such loan guarantees for FY 2014. These fees may be adjusted in future years to cover the projected costs of loan guarantees in those future years or additional fees may be charged. These fees are also applicable to all outstanding prior years' responses funded with FY 2014 funds. The fees are as follows:

1. Initial guarantee fee. The Agency will charge an initial guarantee fee equal to 1 percent of the guarantee principal amount. For purposes of calculating this fee, the guarantee amount is the product of the percentage of the guarantee times the initial principal amount of the guaranteed loan.

2. Annual guarantee fee. An annual guarantee fee of 50 basis points (½ percent) of the outstanding principal amount of the loan as of December 31 will be charged each year or portion of a year that the guarantee is outstanding.

3. As permitted under 7 CFR 3565.302(b)(5), there is a non-refundable service fee of $1,500 for the review and approval of a lender's first request to extend the term of a guarantee commitment beyond its original expiration (the request must be received by the Agency prior to the commitment's expiration). For any subsequent extension request, the fee will be $2,500.

4. As permitted under 7 CFR 3565.302(b)(5), there is a non-refundable service fee of $3,500 for the review and approval of a lender's first request to reopen an application when a commitment has expired. For any subsequent extension request to reopen an application after the commitment has expired, the fee will be $3,500.

5. As permitted under 7 CFR 3565.302(b)(4), there is a non-refundable service fee of $1,500 in connection with a lender's request to approve the transfer of property or a change in composition of the ownership entity.

6. There is no application fee.

7. There is no lender application fee for lender approval.

8. There is no surcharge for the guarantee of construction advances.

III. Eligibility Information

Eligible Lenders: An eligible lender for the Section 538 GRRHP as required by 7 CFR 3565.102 must be a licensed business entity or Housing Finance Agency (HFA) in good standing in the State or States where it conducts business. Lender eligibility requirements are contained in 7 CFR 3565.102. Please review that section for a complete list of all of the criteria. The Agency will only accept responses from GRRHP eligible or approved lenders as described in 7 CFR 3565.102 and 3565.103 respectively.

Lenders whose responses are selected will be notified by the Agency to submit a request for GRRHP lender approval within 30 days of notification. Lenders who request GRRHP approval must meet the standards in 7 CFR 3565.103.

Lenders that have received GRRHP lender approval that remain in good standing do not need to reapply for GRRHP lender approval. A lender making a construction loan must demonstrate an ability to originate and service construction loans, in addition to meeting the other requirements of 7 CFR part 3565, subpart C.

Submission of Documentation for GRRHP Lender Approval: All lenders that have not yet received GRRHP lender approval must submit a complete lender application to: Director, Multi-Family Housing Guaranteed Loan Division, Rural Development, U.S. Department of Agriculture, Room 1263–S, STOP 0781, 1400 Independence Avenue SW., Washington, DC 20250–0781. Lender applications must be identified as ''Lender Application—Section 538 Guaranteed Rural Rental Housing Program'' on the envelope.

IV. Application and Submission Information

NOFA responses can be submitted either electronically using the Section 538 electronic NOFA response form found at: *http://www.rurdev.usda.gov/HAD-Guaranteed_Rental_Loans.html* or in hard copy and submitted to the appropriate Rural Development State Office where the project will be located. USDA Rural Development State Offices, their addresses, and telephone numbers may be found at *http://www.rurdev.usda.gov/recd_map.html,* **Note:** Telephone numbers listed are not toll-free. Applicants are strongly encouraged, but not required, to submit the NOFA response electronically.

The electronic form contains a button labeled ''Send Form.'' By clicking on the button, the applicant will see an email message window with an attachment that includes the electronic form the applicant filled out as a data file with an .fdf extension. In addition, an auto-reply acknowledgement will be sent to the applicant when the electronic NOFA Response form is received by the Agency unless the sender has software that will block the receipt of the auto-reply email. The State Office will record NOFA responses received electronically by the actual date and time when all attachments are received at the State Office.

Submission of the electronic Section 538 NOFA response form does not constitute submission of the entire application package which requires additional forms and supporting documentation.

Content of Responses: All responses require lender information and project specific data as set out in this Notice. Incomplete responses will not be considered for funding. Lenders will be notified of incomplete responses no

later than 30 calendar days from the date of receipt of the response by the Agency. Complete responses are to include a signed cover letter from the lender, on the lender's letterhead. The lender must provide the requested information concerning the project, to establish the purpose of the proposed project, its location, and how it meets the established priorities for funding. The Agency will determine the highest ranked responses based on priority criteria and a threshold score.

(1) Lender Certification: The lender must certify that the lender will make a loan to the prospective borrower for the proposed project, under specified terms and conditions subject to the issuance of the GRRHP guarantee. Lender certification must be on the lender's letterhead and signed by both the lender and the prospective borrower.

(2) Project Specific Data: The lender must submit the project specific data below on the lender's letterhead, signed by both the lender and the prospective borrower:

Data element	Information that must be included
Lender Name	Insert the lender's name.
Lender Tax ID #	Insert lender's tax ID number.
Lender Contact Name	Name of the lender contact for loan.
Mailing Address	Lender's complete mailing address.
Phone #	Phone number for lender contact.
Fax #	Insert lender's fax number.
E-mail Address	Insert lender contact e-mail address.
Borrower Name and Organization Type	State whether borrower is a Limited Partnership, Corporation, Indian Tribe, etc.
Equal Opportunity Survey	Optional Completion.
Tax Classification Type	State whether borrower is for profit, not for profit, etc.
Borrower Tax ID #	Insert borrower's tax ID number.
Borrower DUNS #	Insert DUNS number.
Borrower Address, including County	Insert borrower's address and county.
Borrower Phone #, fax # and e-mail address	Insert borrower's phone number, fax number and e-mail address.
Principal or Key Member for the Borrower	Insert name and title. List the general partners if a limited partnership, officers if a corporation or members of a Limited Liability Corporation.
Borrower Information and Statement of Housing Development Experience.	Attach relevant information.
New Construction, Acquisition With Rehabilitation	State whether the project is new construction or acquisition with rehabilitation.
Revitalization, Repair, and Transfer (as stipulated in 7 CFR 3560.406) of Existing Direct Section 515 and Section 514/516 FLH or MPR.	Yes or No (Transfer costs, including equity payments, are subject to Agency approval and must be an eligible use of loan proceeds in 7 CFR 3565.205).
Project Location Town or City	Town or city in which the project is located.
Project County	County in which the project is located.
Project State	State in which the project is located.
Project Zip Code	Insert Zip Code where the project is located.
Project Congressional District	Congressional District for project location.
Project Name	Insert project name.
Project Type	Family, senior (all residents 55 years or older), or mixed.
Property Description and Proposed Development Schedule	Provide as an attachment.
Total Project Development Cost	Enter amount for total project.
# of Units	Insert the number of units in the project.
Ratio of 3–5 bedroom units to total units	Insert percentage of 3–5 bedroom units to total units.
Cost Per Unit	Total development cost divided by number of units.
Rent	Proposed rent structure.
Median Income for Community	Provide median income for the community.
Evidence of Site Control	Attach relevant information.
Description of Any Environmental Issues	Attach relevant information.
Loan Amount	Insert the loan amount.
Borrower's Proposed Equity	Insert amount and source.
Tax Credits	Have tax credits been awarded? If tax credits were awarded, submit a copy of the award/evidence of award with your response. If not, when do you anticipate an award will be made (announced)? What is the [estimated] value of the tax credits? Letters of application and commitment letters should be included, if available.
Other Sources of Funds	List all funding sources other than tax credits and amounts for each source, type, rates and terms of loans or grant funds.
Loan to Total Development Cost	Guaranteed loan divided by the total development costs of project.
Debt Coverage Ratio	Net Operating Income divided by debt service payments.
Percentage of Guarantee	Percentage guarantee requested.
Collateral	Attach relevant information.
Colonia, Tribal Lands, or State's Consolidated Plan or State Needs Assessment.	Colonia, on an Indian Reservation, or in a place identified in the State's Consolidated Plan or State Needs Assessment as a high need community for multi-family housing.
Is the Property Located in a Federally Declared Disaster Area?	If yes, please provide documentation (i.e., Presidential Declaration document).
Population	Provide the population of the county, city, or town where the project is or will be located.

Data element	Information that must be included
What type of guarantee is being requested, Permanent only (Option 1), Construction and Permanent (Option 2) or Continuous (Option 3).	Enter the type of guarantee.
Loan Term	Minimum 25-year term. Maximum 40-year term (includes construction period). May amortize up to 40 years. Balloon mortgages permitted after the 25th year.
Participation in Energy Efficient Programs	Initial checklist indicating prerequisites to register for participation in a particular energy efficient program. All checklists must be accompanied by a signed affidavit by the project architect stating that the goals are achievable. If property management is certified for green property management, the certification must be provided.

(3) The Proposed Borrower Information:

(a) Lender certification that the borrower or principals of the owner are not barred from participating in Federal housing programs and are not delinquent on any Federal debt.

(b) Borrower's unaudited or audited financial statements.

(c) Statement of borrower's housing development experience.

(4) Lender Eligibility and Approval Status: Evidence that the lender is either an approved lender for the purposes of the GRRHP or that the lender is eligible to apply for approved lender status. The lender's application for approved lender status can be submitted with the response but must be submitted to the National Office within 30 calendar days of the lender's receipt of the ''Notice to Proceed with Application Processing'' letter.

(5) Competitive Criteria: (6) (5) Competitive Criteria: Information that shows how the proposal is responsive to the selection criteria specified in this Notice.

V. Application Review Information

Scoring of Priority Criteria for Selection: All FY 2014 responses will be scored based on the criteria set forth below to establish their priority for further processing. Per 7 CFR 3565.5(b), priority will be given to projects: In smaller rural communities, in the most needy communities having the highest percentage of leveraging, having the lowest interest rate, or having the highest ratio of 3–5 bedroom units to total units. In addition, as permitted in 7 CFR 3565.5(b), in order to meet important program goals, priority points will be given for projects that include LIHTC funding and projects that are participating in specified energy efficient programs.

The seven priority scoring criteria for projects are listed below.

Priority 1—Projects located in eligible rural communities with the lowest populations will receive the highest points.

Population size	Points
0–5,000	30
5,001–10,000 people	15
10,001–15,000 people	10
15,001–20,000 people	5
20,001–35,000 people	0

Priority 2—The neediest communities as determined by the median income from the most recent census data published by the United States Department of Housing and Urban Development (HUD), will receive points. The Agency will allocate points to projects located in communities having the lowest median income. Points for median income will be awarded as follows:

Median income (dollars)	Points
Less than $45,000	20
$45,000–less than $55,000	15
$55,000–less than $65,000	10
$65,000–less than $75,000	5
$75,000 or more	0

Priority 3—Projects that demonstrate partnering and leveraging in order to develop the maximum number of units and promote partnerships with State and local communities will also receive points. Points will be awarded as follows:

Loan to total development cost ratio (percentage %)	Points
Less than 25	60
Less than 50 to 25	30
Less than 70 to 50	10
70 or more	0

Priority 4—Responses that include equity from low income housing tax credits will receive an additional 50 points.

Priority 5—The USDA Rural Development will award points to projects with the highest ratio of 3–5 bedroom units to total units as follows:

Ratio of 3—5 bedroom units to total units	Points
More than 50%	10
21%–50%	5
Less than 21%–more than 0%	1

Priority 6—Responses for the revitalization, repair, and transfer (as stipulated in 7 CFR 3560.406) of existing direct Section 515 and Section 514/516 FLH and properties involved in the Agency's MPR program (transfer costs, including equity payments, are subject to Agency approval and must be an eligible use of loan proceeds listed in 7 CFR 3565.205) will receive an additional 10 points. If the transfer of existing Section 515 and Section 514/516 FLH properties includes equity payments, 0 points will be awarded.

Priority 7—Energy Efficiency:

(A) Projects that are energy-efficient and registered for participation in the following programs will receive points as indicated up to a maximum of 25 points. Each program has an initial checklist indicating prerequisites for participation. Each applicant must provide a checklist establishing that the prerequisites for each program's participation will be met. Additional points will be awarded for checklists that achieve higher levels of energy efficiency certification as set forth below. All checklists must be accompanied by a signed affidavit by the project architect stating that the goals are achievable. Points will be awarded for the listed programs as follows. Because Energy Star for Homes is a requirement within other programs such as LEED and Green Communities, points will only be awarded separately for Energy Star for Homes if it is the only program in which the project is enrolled, excluding local programs that do not require participation in Energy Star for Homes:

- *Energy Star for Homes*—5 points;
- *Green Communities* by the Enterprise Community Partners (*www.enterprisefoundation.org*)—10 points;
- *LEED for Homes* program by the U.S. Green Building Council (USGBC)

(*www.usgbc.org*)—Certified (10 points), Silver (12 points), Gold (15 points), or Platinum (25 points);

• *Home Innovation's National Green Building Standard*™ (NGBS) certification program (*www.homeinnovation.com/green*)—Bronze (10 points), Silver (12 points), Gold (15 points), or Emerald (25 points); or

• A State or local green building program—2 points

(B) Projects that will be managed by a property management company that are certified green property management companies will receive 5 points.

Applicants must provide proof of certification. Certification may be achieved through one of the following programs:

• National Apartment Association, Credential for Green Property Management (CGPM); *www.naahq.org/EDUCATION/DESIGNATION PROGRAMS/OTHER/Pages/default.aspx*;

• National Affordable Housing Management Association (NAHMA), Credential for Green Property Management (CGPM); *www.nahma.org/content/greencred.html*; or

• U.S. Green Building Council (USGBC), Green Building Certification Institute (GBCI) LEED AP (any discipline) or LEED Green Associate; *www.gbci.org*.

(C) *Energy Generation* (maximum 5 points). Pre-applications for new construction or purchase and rehabilitation of non-program multi-family projects which participate in the Energy Star for Homes V3 Program, Green Communities, LEED for Homes or NAHB's National Green Building Standard (ICC–700) 2008, receive at least 8 points for Energy Conservation measures (if limited rehabilitation only) in the point allocations above are eligible to earn additional points for installation of on-site renewable energy sources. In order to receive more than 1 point for this energy generation section, an accurate energy analysis prepared by an engineer will need to be submitted with the pre-application. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of the building, the portion of the building consumption which will be satisfied through on-site generation and the building's Home Energy Rating System (HERS) score.

Projects with an energy analysis of the preliminary or rehabilitation building plans that propose a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) will be awarded points as follows:

• (a) 0 to 9 percent commitment to energy generation receives 0 points;

• (b) 10 to 29 percent commitment to energy generation receives 1 point;

• (c) 30 to 49 percent commitment to energy generation receives 2 points;

• (d) 50 to 69 percent commitment to energy generation receives 3 points;

• (e) 70 to 89 percent commitment to energy generation receives 4 points;

• (f) 90 percent or more commitment to energy generation receives 5 points.

Notifications: Responses will be reviewed for completeness and eligibility. The Agency will notify those lenders whose responses are selected via a Notice to Proceed with Application Processing letter. The Agency will request lenders without GRRHP lender approval to apply for GRRHP lender approval within 30 days upon receipt of notification of selection.

Lenders will also be invited to submit a complete application to the USDA Rural Development State Office where the project is located.

Submission of GRRHP Applications: Notification letters will instruct lenders to contact the USDA Rural Development State Office immediately following notification of selection to schedule required agency reviews.

USDA Rural Development State Office staff will work with lenders in the development of an application package. The deadline for the submission of a complete application is 90 calendar days from the date of notification of response selection. If the application is not received by the appropriate State Office within 90 calendar days from the date of notification, the selection is subject to cancellation, thereby allowing another response that is ready to proceed with processing to be selected. The Agency may extend this 90 day deadline for receipt of an application at its own discretion.

VI. Award Administration Information

Obligation of Program Funds: The Agency will only obligate funds to projects that meet the requirements for obligation under 7 CFR part 3565 and this NOFA, including having undergone a satisfactory environmental review in accordance with the National Environmental Protection Act (NEPA) and completed Form RD 3565–1 for the selected project.

The Agency will prioritize the obligation requests using the highest score and the procedures outlined as follows. The Agency will select the responses that meet eligibility criteria and invite lenders to submit complete applications to the Agency. Once a complete application is received and approved, the Agency's State Office will submit a request to obligate funds to the Agency's National Office. Starting on the Friday following the date the NOFA is published; obligation requests submitted to the National Office will be accumulated, but not obligated throughout the week until midnight Eastern Time every Thursday. To the extent that funds remain available, the Agency will obligate the requests accumulated through the weekly request deadline of the previous week by the following Tuesday (i.e., requests received from Friday, May 16, 2014, to Thursday, May 22, 2014, will be obligated by Tuesday, May 27, 2014). In the event of a tie, priority will be given to the request for the project that: 1st—has the highest percentage of leveraging (lowest Loan to Cost) and in the event there is still a tie;—is in the smaller rural community.

Conditional Commitment: Once the required documents for obligation are received and all NEPA and regulatory requirements have been met, the USDA Rural Development State Office will issue a conditional commitment, which stipulates the conditions that must be fulfilled before the issuance of a guarantee, in accordance with 7 CFR 3565.303.

Issuance of Guarantee: The USDA Rural Development Office will issue a guarantee to the lender for a project in accordance with 7 CFR 3565.303. No guarantee can be issued without a complete application, review of appropriate certifications, satisfactory assessment of the appropriate level of environmental review, and the completion of any conditional requirements.

Non-Discrimination Statement

USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at *http://www.ascr.usda.gov/*

complaint_filing_cust.html, or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish). Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD). ''USDA is an equal opportunity provider, employer, and lender.''

Dated: May 15, 2014.

Tony Hernandez,

Administrator, Housing and Community Facilities Programs.

[FR Doc. 2014–11733 Filed 5–20–14; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Current Population Survey (CPS) Basic Demographics.

OMB Control Number: 0607–0049.

Form Number(s): CPS–263, CPS–263(SP), CPS–264, CPS–264(SP), CPS–266, BC–1428, BC–1428(SP), BC–1433, BC–1433(SP), CPS–692.

Type of Request: Extension of a currently approved collection.

Burden Hours: 19,347.

Number of Respondents: 59,000.

Average Hours per Response: 1.64 minutes.

Needs and Uses: The CPS has been the source of official government statistics on employment and unemployment for over 50 years. The Bureau of Labor Statistics (BLS) and the U.S. Census Bureau jointly sponsor the basic monthly survey, and the Census Bureau prepares and conducts all the field work. The Census Bureau provides the BLS with data files and tables. The BLS seasonally adjusts, analyzes, and publishes the results for the labor force data in conjunction with the demographic characteristics. In accordance with the OMB's request, the Census Bureau and the BLS divide the clearance request in order to reflect the joint sponsorship and funding of the CPS program. Title 29, United States Code, Sections 1–9, authorizes the collection of labor force data in the CPS. The justification that follows is in support of the demographic data.

The demographic information collected in the CPS provides a unique set of data on selected characteristics for the civilian noninstitutional population. Some of the demographic information we collect is age, marital status, gender, Armed Forces status, education, race, origin, and family income. We use these data in conjunction with other data, particularly the monthly labor force data, as well as periodic supplement data. We also use these data independently for internal analytic research and for evaluation of other surveys. In addition, we need these data to correctly control estimates of other characteristics to the proper proportions of age, gender, race, and origin.

We use the CPS data on household size and composition, age, education, ethnicity, and marital status to compile monthly averages or other aggregates for national and sub-national estimates. We use these data in four principal ways: In association with other data, such as monthly labor force or periodic supplement publications; for internal analytic research; for evaluation of other surveys and survey results; and as a general purpose sample and survey.

The demographic data are central to the publication of all labor force data in the BLS' monthly report Employment and Earnings. The data set that results from combining the monthly labor force data with the demographic data provides analysts with the ability to understand labor force patterns of many subpopulation groups. This is particularly important since the federal government often directs initiatives at special groups that historically have not conformed to general labor force participation patterns.

Analysts also use the demographic data in association with all supplement publications. (We describe supplements later in this section.) For example, publications that use these data are Fertility of American Women, School Enrollment—Social and Economic Characteristics of Students and Educational Attainment in the United States (Series P–20). Comparably, researchers are able to characterize the population within the subject area of the many supplements conducted in conjunction with the CPS. For instance, the Annual Social and Economic Supplement identifies which subpopulation groups, as established by the demographic variables, experience the highest incidence of poverty. While we collect and support independently the demographic variables, the labor force data, and the supplement inquiries, their use as a combined data set enhances the utility of each.

The Census Bureau also uses the demographic data extensively for internal analytic work. For example, we use these data to develop estimates of family and household types and metropolitan and nonmetropolitan populations. We use these estimates to identify population trends between decennial censuses and to analyze the growth and distribution of various racial and ethnic groups. We may then use this information in preparing reports on these subjects or in determining the accuracy of population controls used throughout the Census Bureau. As is noted below, we use the demographic data to improve our postcensal population estimates (that is, the components of emigration and undocumented immigration).

Also, we use the CPS as a source for other survey samples. A household remains in the CPS sample for 16 months. Other surveys conducted by the Census Bureau may use a CPS sample when it is no longer part of the CPS. In 2006, the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, sponsored by the Department of the Interior, used retired cases from the CPS sample. The ongoing American Time Use Survey, sponsored by the BLS uses expired CPS sample. By using the CPS demographics to select their samples, other surveys have been able to avoid screening samples and to obtain accurate estimates by demographics.

Another use of the demographic data is in evaluating other survey results. For example, analysts control the results of the National American Housing Survey to the CPS monthly averages of households. Similarly, in order to determine the plausibility of the results of the Survey of Income and Program Participation (SIPP), analysts continuously compare the data on household and family composition from the SIPP to the CPS monthly household and family composition data.

The Census Bureau often uses the CPS as a model and resource for improving the efficiency and quality of other surveys. For example, the Census Bureau designed some items for the SIPP from the CPS. Academicians and researchers have historically used the CPS to better understand the many complexities associated with sample surveys and household interviews in general.

In addition to the collection of demographic and labor force data, the CPS is also a major vehicle for the collection of supplemental questions on various socio-economic topics. In most months of the year we ask supplemental questions after asking the basic labor force questions of all eligible people in a household, thereby maximizing the utility of the CPS sample. We also collect annual data on work experience, income, migration (Annual Social and Economic Supplement), and school enrollment of the population (October supplement). In addition we collect biennial, but separately funded, data on fertility and birth expectations of women of child-bearing age (June), voting and registration (November) and child support and alimony. The BLS, the Census Bureau, other government agencies, and private groups sponsor the supplements.

Affected Public: Individuals or households.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 141, 181, and 182 and Title 29, United States Code, Sections 1–9.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or email (*bharrisk@omb.eop.gov*).

Dated: May 15, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–11674 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of the Census (U.S. Census Bureau) is giving notice of a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee will advise the Directors of the Economics and Statistics Administration's (ESA) two statistical agencies, the Bureau of Economic Analysis (BEA) and the Census Bureau, and the Commissioner of the Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Last minute changes to the agenda are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: June 13, 2014. The meeting will begin at approximately 9:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESSES: The meeting will be held at the U.S. Census Bureau Conference Center, 4600 Silver Hill Road, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: James R. Spletzer, Designated Federal Official, Department of Commerce, U.S. Census Bureau, Research and Methodology Directorate, Room 5K175, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–4069, email: *james.r.spletzer@census.gov*. For TTY callers, please call the Federal Relay Service (FRS) at 1–800–877–8339 and give them the above listed number you would like to call. This service is free and confidential.

SUPPLEMENTARY INFORMATION: Members of the FESAC are appointed by the Secretary of Commerce. The Committee advises the Directors of the BEA, the Census Bureau, and the Commissioner of the Department of Labor's BLS, on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2).

The meeting is open to the public, and a brief period is set aside for public comments and questions. Persons with extensive questions or statements must submit them in writing at least three days before the meeting to the Designated Federal Official named above. If you plan to attend the meeting, please register by Monday, June 2, 2014. You may access the online registration form with the following link: *http://www.regonline.com/fesac_jun2014_meeting.* Seating is available to the public on a first-come, first-served basis.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Designated Federal Official as soon as known, and preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301–763–9906 upon arrival at the Census Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: May 15, 2014.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2014–11757 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–53–2014]

Foreign-Trade Zone 76—Bridgeport, Connecticut; Application for Subzone; ASML US, Inc.; Wilton and Newtown, Connecticut

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Bridgeport Port Authority, grantee of FTZ 76, requesting subzone status for the facilities of ASML US, Inc. (ASML), located in Wilton and Newtown, Connecticut. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on May 13, 2014.

The proposed subzone would consist of the following sites: *Site 1* (29.23 acres)—71, 73 & 77 Danbury Road, Wilton; and, *Site 2* (3.65 acres)—7 Edmund Road, Newtown. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 76.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be

addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 30, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 15, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: May 14, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–11811 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–38–2014]

Foreign-Trade Zone 38—Spartanburg County, South Carolina; Application for Expansion of Subzone 38A; BMW Manufacturing Company, LLC; Greer, South Carolina

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the South Carolina State Ports Authority (SCSPA), grantee of FTZ 38, requesting the expansion of Subzone 38A, located at the facility of BMW Manufacturing Company, LLC in Spartanburg County, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on May 14, 2014.

The grantee proposes to expand Subzone 38A to include temporary Site 8 (8 acres) on a permanent basis. The site is located at 154 Metro Court, Greer, Spartanburg County. No additional authorization for production authority has been requested at this time.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 30, 2014. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 15, 2014.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: May 15, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–11812 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–07–2014]

Foreign-Trade Zone 269—Athens, Texas; Authorization of Production Activity; Schneider Electric USA (Electrical Component Assembly); Athens, Texas

On January 15, 2014, Schneider Electric USA submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ 269—Site 1, in Athens, Texas.

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 6146–6147, 02/03/2014). 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 Board's regulations, including Section 400.14.

Dated: May 13, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–11810 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–892]

Carbazole Violet Pigment 23 From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on carbazole violet pigment 23 (CVP–23) from the People's Republic of China (the PRC) covering the period of review of December 1, 2012 through November 30, 2013.

DATES: Effective Date: May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Davina Friedmann or Robert James, 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; telephone (202) 482–0698 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION: On February 3, 2013, based on a timely request by Nation Ford Chemical Company, Inc. (petitioner), the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on CVP–23 from the PRC covering the period December 1, 2012 through November 30, 2013.[1] The review covers three firms: Haimen Ruifeng Pigment Co. Ltd. (Ruifeng), Jiangsu Haimen Industrial Chemicals Factory (Haimen), and Nantong Haidi Chemicals Co., Ltd. (Haidi). On May 2, 2014, petitioners withdrew their request for review of all three firms, *i.e.,* Ruifeng, Haimen and Haidi.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners withdrew their request within the 90-day deadline.[2] No other party requested

[1] *See Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews, and Request for Revocation in Part,* 79 FR 6147 (February 3, 2014).

[2] The 90-day deadline fell on Sunday, May 4, 2014; therefore, petitioners had until the next

Continued

an administrative review of this antidumping duty order. As a result, we are rescinding the administrative review of CVP–23 from the PRC for the period December 1, 2012 through November 30, 2013.

Assessment

The Department will instruct U.S. Customs and Border Patrol (CBP) to assess antidumping duties on all appropriate entries. Because the Department is rescinding this review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(l) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

business day, or Monday, May 5, 2014, to withdraw their request for review. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

Dated: May 15, 2014.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2014–11815 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

The University of Memphis, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscope

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 13–050. Applicant: The University of Memphis, Memphis, TN 38152–3370. *Instrument:* Electron Microscope. *Manufacturer:* FEI Company, Czech Republic. *Intended Use:* See notice at 79 FR 6542, February 4, 2014.

Docket Number: 13–051. Applicant: The Scripps Research Institute, La Jolla, CA 92037. *Instrument:* Transmission Electron Microscope. *Manufacturer:* FEI Company, the Netherlands. *Intended Use:* See notice at 79 FR 6542, February 4, 2014.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the instrument was ordered. *Reasons:* Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: May 15, 2014.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2014–11788 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Minnesota; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Docket Number: 14–002. Applicant: University of Minnesota, St. Paul, MN 55108. *Instrument:* Anaerobic glovebox for crystallography. *Manufacturer:* Belle Technology UK Ltd., Great Britain. *Intended Use:* See notice at 79 FR 11759–60, March 3, 2014. *Comments:* None received. *Decision:* Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. *Reasons:* The instrument will be used to study the growth of crystals of oxygen-sensitive proteins and trapping of catalytic intermediates in crystals of enzymes which utilize oxygen as a substrate. The objective is to produce atomic resolution molecular structures of oxygen-sensitive or oxygen-dependent proteins by x-ray crystallography. The necessary features of this instrument include an entry port in the floor of the microscope box that forms an air-tight seal with a two liter liquid nitrogen dewar mated to the port from outside the box. Air needs to be expelled (purged) from above the liquid nitrogen surface and replaced with gaseous nitrogen. Closure of the port allows removal of the dewar. An air-tight door between the larger anaerobic crystallization box and the anaerobic microscope box is also necessary.

Dated: May 13, 2014.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2014–11784 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management, National Ocean Service, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The NOAA Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Apalachicola National Estuarine Research Reserve.

The National Estuarine Research Reserve evaluation will be conducted pursuant to sections 312 and 315 of the CZMA and regulations at 15 CFR part 921, subpart E and part 923, subpart L. Evaluation of a National Estuarine Research Reserve requires findings concerning the extent to which a state has met the national objectives, adhered to its Reserve final management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluation will include a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. When the evaluation is completed, OCRM will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings. Notice is hereby given of the date, local time, and location of the public meeting.

DATES: Date and Time: The Apalachicola National Estuarine Research Reserve public meeting will be held July 1, 2014, at 6:30 p.m. at Apalachicola National Estuarine Research Reserve, 108 Island Drive, Eastpoint, Florida 32328.

ADDRESSES: Copies of the reserve's most recent performance report, as well as OCRM's evaluation notification letter to the state, are available upon request from OCRM. Written comments from interested parties regarding these programs are encouraged and will be accepted until July 11, 2014. Please direct written comments to Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, or *carrie.hall@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, National Policy and Evaluation Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 10th Floor, N/ORM7, Silver Spring, Maryland 20910, (301) 563–1135, or *carrie.hall@noaa.gov.*

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Dated: May 13, 2014.

Christopher C. Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management National Oceanic and Atmospheric Administration.

[FR Doc. 2014–11737 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD301

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings of the South Atlantic Fishery Management Council (SAFMC).

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a Visioning Project Workshop, receive a presentation from NOAA Fisheries on the Development of a National Recreational Fishing Policy, and hold a joint committee meeting of the Habitat & Environmental Protection Committee and Ecosystem-Based Management Committee. The Council will also hold meetings of the: Executive Finance Committee; Protected Resources Committee; Scientific and Statistical Committee (SSC) Selection Committee (CLOSED SESSION); Advisory Panel Selection Committee (CLOSED SESSION); Law Enforcement Committee (CLOSED SESSION); Southeast Data, Assessment and Review (SEDAR) Committee; Snapper Grouper Committee; Joint committee meeting of the Dolphin Wahoo Committee and Snapper Grouper Committee; Highly Migratory Species (HMS) Committee; King & Spanish Mackerel Committee; Information and Education Committee; Golden Crab Committee, Data Collection Committee; and a meeting of the Full Council. The Council will take action as necessary. The Council will also hold an informal public question and answer session regarding agenda items and a formal public comment session.

DATES: The Council meeting will be held from 9 a.m. on Monday, June 9, 2014 until 3:15 p.m. on Friday, June 13, 2014.

ADDRESSES:

Meeting address: The meetings will be held at the Sawgrass Marriott, 1000 PGA Boulevard, Ponte Vedra Beach, FL 32082; telephone: (800) 457–4653 or (904) 285–7777; fax: (904) 285–0906.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The items of discussion in the individual meeting agendas are as follows:

Visioning Workshop, Monday, June 9, 2014, 9 a.m. Until 11:30 a.m.

1. Introduction and overview of the port meetings.
2. Review and discuss state port meeting summaries and comments received via port meeting discussion forms.
3. Provide direction to staff regarding planning for next steps.

NOAA Fisheries Presentation on Development of a National Recreational Fishing Policy, Monday, June 9, 2014, 11:30 a.m. Until 12 Noon

1. Staff from NOAA Fisheries will provide the Council with a presentation on the development of a National Recreational Fishing Policy.

Joint Habitat Committee and Ecosystem-Based Management Committees, Monday, June 9, 2014, 1:30 p.m. Until 3:30 p.m.

1. Receive reports from meetings of the Habitat Advisory Panel (AP), Coral AP and Deepwater Shrimp AP.
2. Review and approve redrafted Essential Fish Habitat (EFH) policy statements.
3. Receive an update on the status of Coral Amendment 8 addressing Coral Habitat Areas of Particular Concern (HAPCs) and transit through the Oculina Bank HAPC.
4. Receive an update on ecosystem activities.

Executive Finance Committee, Monday, June 9, 2014, 3:30 p.m. Until 4:30 p.m.

1. Approve the Calendar Year (CY) 2014 Council budget.

2. Receive updates on the status of the CY 2014 budget expenditures.

3. Address the Council Follow-up and priorities.

4. Receive an update on the Joint Committee on South Florida Management Issues.

5. Receive an overview of proposed Magnuson-Stevens Fishery Conservation and Management Act bills, a report on the Council Coordinating Committee meeting, an update on the status of the NOAA Fisheries Beaufort Lab, and address other issues as appropriate.

Protected Resources Committee, Monday, June 9, 2014, 4:30 p.m. Until 5:30 p.m.

1. Receive an update on ongoing consultations from the NOAA Fisheries Southeast Regional Office (SERO) Protected Resources Division.

2. Receive a report on: The final Biological Opinion for the Southeastern Shrimp Fisheries; a report on the final determination for coral listings; and the proposed critical habitat for loggerhead sea turtles.

3. Develop committee recommendations as appropriate.

SSC Selection Committee (Closed Session), Tuesday, June 10, 2014, 8:30 a.m. Until 9:30 a.m.

Review SSC applications and develop recommendations for appointments and/or reappointments.

AP Selection Committee (Closed Session), Tuesday, June 10, 2014, 9:30 a.m. Until 10:30 a.m.

1. Review advisory panel applications and develop recommendations for appointments and/or reappointments.

2. Develop committee recommendations as appropriate.

Law Enforcement Committee (Closed Session), Tuesday, June 10, 2014, 10:30 a.m. Until 11 a.m.

Develop recommendations for Law Enforcement Officer of the Year Award.

SEDAR Committee, Tuesday, June 10, 2014, 11 a.m. Until 12 Noon

1. Receive an update on SEDAR activities.

2. Receive an overview on the Council's assessment priorities.

3. Receive the SEDAR Steering Committee Report, an overview of the South Atlantic Fishery Dependent Workshop and the Council's assessment peer review process.

4. Review the 2014 research and monitoring plan.

Snapper Grouper Committee Agenda, Tuesday, June 10, 2014, 1:30 p.m. Until 5:30 p.m. and Wednesday, June 11, 2014, 8:30 a.m. Until 5 p.m.

1. Receive and discuss the status of commercial and recreational catches versus quotas for species under Annual Catch Limits (ACLs) with an overview of the commercial golden tilefish overage. The committee will take action as appropriate.

2. Receive an update on the status of Snapper Grouper amendments under formal Secretarial review.

3. Receive a report on the 2014 Red Snapper Season.

4. Receive an report from the Snapper Grouper Advisory Panel and the Scientific and Statistical Committee and take action as appropriate.

5. Receive a report on the status of the Oculina Experimental Closed Area (OECA) evaluation team work, review, modify and approve the Evaluation Report, determine if any changes are necessary to the OECA, and provide guidance to staff.

6. Receive an update on South Atlantic fishery-independent surveys.

7. Review Snapper Grouper Regulatory Amendment 16 (removal of the black sea bass pot closure), modify the draft document, choose preferred management alternatives, and provide guidance.

8. Review Snapper Grouper Amendment 22 (tags to track recreational harvest), discuss the amendment, and provide guidance to staff.

9. Review Snapper Grouper Amendment 29 addressing Only Reliable Catch Stocks (ORCS) and management measures for gray triggerfish; modify the amendment as appropriate and make recommendations to approve the amendment for formal review.

10. Review the options paper for Snapper Grouper Amendment 32 addressing blueline tilefish; modify the document, select preferred alternatives and approve the amendment for public hearings.

11. Review Snapper Grouper Regulatory Amendment 20 addressing snowy grouper; modify the document, select preferred alternatives and approve the amendment for public hearings.

12. Review the approach and options for setting gag and wreckfish fishing level recommendations, including recommendations from the SSC. Approve the approach, alternatives and provide guidance on timing to staff.

13. Review the Snapper Grouper Regulatory Amendment 17 scoping document addressing Marine Protected Areas (MPAs) and a potential alternative approach, modify the scoping document as appropriate and approve for scoping.

14. Review a draft letter supporting the renewal of Corps of Engineers permits for artificial reef construction off the Northeast coast of Florida and take action as appropriate.

15. Review the scoping document for Snapper Grouper Amendment 35 addressing species removal, modify as appropriate and approve for scoping.

16. Review the joint South Atlantic and Gulf Generic Amendment, modify as appropriate and provide guidance to staff.

17. Discuss the golden tilefish longline endorsement/hook and line issue for the commercial fishery and take action as necessary.

Note: There will be an informal public question and answer session with the NMFS Regional Administrator and the Council Chairman on Wednesday, June 11, 2014, beginning at 5:30 p.m.

Joint Dolphin Wahoo Committee and Snapper Grouper Committees, Thursday, June 12, 2014, 8:30 a.m. Until 10 a.m.

1. Receive and discuss the status of commercial and recreational catches versus ACLs for dolphin and wahoo.

2. Receive an update on the status of Dolphin Wahoo Amendment 5, pertaining to bag limit sale of fish and changes to the ACL and the Allowable Biological Catch (ABC).

3. Receive a report from the Dolphin Wahoo Advisory Panel.

4. Review Dolphin Wahoo Amendment 7 and Snapper Grouper Amendment 33 regarding the issue of transport of fillets from Bahamian waters into United States waters, modify the amendments as appropriate and approve for public hearings.

5. Review and discuss the Generic Accountability Measures and Dolphin Allocation Amendment, modify as appropriate, and approve for public hearings.

Highly Migratory Species Committee, Thursday, June 12, 2014, 10 a.m. Until 11 a.m.

1. Discuss shark interaction with South Atlantic fisheries and provide guidance to staff.

King and Spanish Mackerel Committee, Thursday, June 12, 2014, 11 a.m. Until 12 Noon and 1:30 p.m. Until 2:30 p.m.

1. Receive and discuss the status of commercial and recreational catches versus ACLs for Atlantic Group king mackerel, Spanish mackerel, and cobia.

2. Receive an update on the status of amendments under Formal Review and a report from the King and Spanish Mackerel Advisory Panel.

3. Review the Coastal Migratory Pelagics (CMP) Framework Amendment 2 addressing Spanish Mackerel trip limits, modify the document as appropriate, select preferred alternatives and approve for public hearings.

4. Review the options paper for Joint CMP Amendment 24 addressing allocations and shifts in ACLs and provide directions to staff.

Information and Education Committee, Thursday, June 12, 2014, 2 p.m. Until 3 p.m.

1. Receive a report from the Information and Education Advisory Panel.

2. Receive a summary of the Council-hosted Science Communication Workshop.

Golden Crab Committee, Thursday, June 12, 2014, 3 p.m. Until 4 p.m.

1. Receive an update on the status of Commercial Catch versus ACL for the golden crab fishery.

2. Receive a report from the Golden Crab Advisory Panel meeting and provide guidance to staff.

3. Review the Generic Accountability Measures and Dolphin Allocation Amendment, revise the amendment as appropriate and approve for public hearing.

Data Collection Committee, Thursday, June 12, 2014, 4 p.m. Until 5 p.m.

1. Receive an update on the status of the Joint Gulf and South Atlantic Council Generic Dealer Amendment and take action as appropriate.

2. Receive a presentation on the Electronic Technology (Data Collection and Monitoring) Implementation Plan and take action as appropriate.

3. Receive a presentation on the status of work in the northeast relative to the Comprehensive Ecosystem-Based Amendment 3 and take action as appropriate.

4. Review an options paper on how commercial fishermen could report electronically and via paper and provide guidance to staff.

5. Receive an update on the Commercial Logbook Pilot Study and take action as appropriate.

6. Review the Joint South Atlantic and Gulf Council Generic Charterboat Reporting Amendment, including an overview of the Gulf Council's actions, status and next steps, receive a report from the Technical Committee, and take action as appropriate.

Note: A formal public comment session will be held on Thursday, June 12, 2014, beginning at 5:30 p.m. on Snapper Grouper Amendment 29. Following comment on Amendment 29, public comment will be accepted regarding any other items on the Council agenda. The amount of time provided to individuals will be determined by the Chairman based on the number of individuals wishing to comment.

Council Session: Friday, June 13, 2014, 8:30 a.m. Until 3:15 p.m.

8:30 a.m.–8:45 a.m.: Call the meeting to order, adopt the agenda, approve the March 2014 minutes, and presentations.

8:45 a.m.–9 a.m.: The Council will receive a report from the Snapper Grouper Committee and is scheduled to either approve or disapprove Snapper Grouper Amendment 29 for formal Secretarial review. The Council will also consider approving or disapproving the following amendments to the Snapper Grouper Fishery Management Plan for public hearings: Amendment 32, Amendment 33, and Regulatory Amendment 20. The Council will also consider approving or disapproving Regulatory Amendment 17 for public scoping. The Council will consider other Committee recommendations and take action as appropriate.

9 a.m.–9:15 a.m.: The Council will receive a report from the King & Spanish Mackerel Committee and is scheduled to approve or disapprove the South Atlantic Spanish Mackerel Framework Amendment 2 for public hearings. The Council will consider other Committee recommendations and take action as appropriate.

9:15 a.m.–9:30 a.m.: The Council will receive a report from the Dolphin Wahoo Committee. The Council is scheduled to approve or disapprove Amendment 7 to the Dolphin Wahoo Fishery Management Plan and the Generic Allocation and Accountability Measures Amendment for public hearings. The Council will consider Committee recommendations and take action as appropriate.

9:30 a.m.–9:45 a.m.: The Council will receive a report from the Council Member Visioning Workshop, consider recommendations and take action as appropriate.

9:45 a.m.–10 a.m.: The Council will receive the Law Enforcement Committee Report and determine the Law Enforcement Officer of the Year recipient. The Council will consider other committee recommendations and take action as appropriate.

10 a.m.–10:15 a.m.: The Council will receive a report from the Joint Habitat and Ecosystem-Based Amendment Committee and approve or disapprove the updated EFH Policy Statements. The Council will consider other committee recommendations and take action as appropriate.

10:15 a.m.–10:30 a.m.: The Council will receive a report from the Protected Resources Committee, consider Committee recommendations and will take action as appropriate.

10:30 a.m.–10:45 a.m.: The Council will receive a report from the SEDAR Committee, consider Committee recommendations, and take action as appropriate.

10:45 a.m.–11 a.m.: The Council will receive a report from the Advisory Panel Selection Committee, consider Committee recommendations and appoint and/or reappoint members to its advisory panels. The Council will consider other recommendations and take action as appropriate.

11 a.m.–11:15 a.m.: The Council will receive a report from its Executive Finance Committee and is scheduled to approve the CY 2014 Council budget, Council Follow-up and Priorities documents. The Council will take action on the South Florida Management issues as appropriate, consider other Committee recommendations and take action as appropriate.

11:15 a.m.–11:30 a.m.: The Council will receive a report from the Data Collection Committee, consider recommendations and take action as appropriate.

11:30 a.m.–11:45 a.m.: The Council will receive a report from the SSC Selection Committee, consider Committee recommendations and appoint and/or reappoint members to its SSC. The Council will consider other recommendations and take action as appropriate.

11:45 a.m.–12 noon: The Council will receive a report from the HMS Committee, consider Committee recommendations and take action as appropriate.

1:30 p.m.–1:45 p.m.: The Council will receive a report from the Golden Crab Committee, and approve or disapprove the Generic Accountability Measures and Dolphin Allocation Amendment for public hearing. The Council will consider other Committee recommendations and take action as appropriate.

1:45 p.m.–2 p.m.: The Council will receive a report from the Information and Education Committee, consider Committee recommendations, and take action as appropriate.

2 p.m.–3:15 p.m.: The Council will receive status reports from NOAA Fisheries SERO and the Southeast Fisheries Science Center. The Council will review and develop

recommendations on Experimental Fishing Permits as necessary; review agency and liaison reports; and discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 3 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 16, 2014.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–11745 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority Board Meetings

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open public meetings.

SUMMARY: The Board of the First Responder Network Authority (FirstNet) will convene an open public meeting of the Board on June 3, 2014, preceded by meetings of the Board Committees on June 2, 2014.[1]

DATES: On June 2, 2014 between 3 p.m. and 7 p.m. Mountain Daylight Time there will be sequential meetings of FirstNet's four Board Committees: (1) Governance and Personnel; (2) Outreach; (3) Technology; and (4) Finance. The full FirstNet Board will hold a meeting on June 3, 2014, between 8 a.m. and 10 a.m. Mountain Daylight Time.

ADDRESSES: Board members will meet in Ballroom 4 of the Westin Westminster Hotel, 10600 Westminster Boulevard, Westminster, CO 80020.

FOR FURTHER INFORMATION CONTACT: Uzoma Onyeije, Secretary, FirstNet, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0016; email: *uzoma@firstnet.gov.* Please direct media inquiries to FirstNet's Communications Department, (202) 482–4809 or *corey.ray@firstnet.gov.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Board of the First Responder Network Authority (FirstNet) will convene an open public meeting of the Board on June 3, 2014, preceded by meetings of the Board Committees on June 2, 2014.

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), created FirstNet as an independent authority within NTIA. The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. The FirstNet Board held its first public meeting on September 25, 2012.

Matters To Be Considered: FirstNet will post detailed agendas of each meeting on its Web site, *http://www.firstnet.gov,* prior to the meetings. The agenda topics are subject to change. Please note that the subjects that will be discussed by the Committees and the Board may involve commercial and financial information that is privileged or confidential, personnel matters, and other legal matters affecting FirstNet. As such, the Committee Chairs and Board Chair may call for a vote to close the meetings pursuant to 47 U.S.C. 1424(e)(2).

Times and Dates of June 2014 Meetings: On June 2, 2014, between 3 p.m. and 7 p.m. Mountain Daylight Time there will be sequential meetings of FirstNet's four committees. The full FirstNet Board meeting will be held on June 3, 2014, between 8 a.m. and 10 a.m. Mountain Daylight Time.

Place: The June 3 Board meeting and the June 2 Committee meetings will be held in Ballroom 4 of the Westin Westminster Hotel, 10600 Westminster Boulevard, Westminster, Colorado.

Other Information: These meetings are open to the public and press. Members of the public wishing to attend the meetings in person will be directed to an auditorium where they can observe the meeting by video. For access to the meetings, valid, government issued photo identification may be requested for security reasons. The meetings are accessible to people with disabilities. Individuals requiring accommodations, such as sign-language interpretation or other ancillary aids, are asked to notify Uzoma Onyeije, Secretary, FirstNet, at (202) 482–0016 or *uzoma@firstnet.gov* at least five (5) business days before the meeting. The meetings will also be webcast. Please refer to NTIA's Web site at *http://www.ntia.doc.gov/category/firstnet* for webcast instructions and other information. If you have technical questions regarding the webcast, please contact Corey Ray, at (202) 482–4809 or *corey.ray@firstnet.gov.*

Records: NTIA maintains records of all Board proceedings. Board minutes will be available at *http://www.ntia.doc.gov/category/firstnet.*

Dated: May 16, 2014.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2014–11755 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–60–P

[1] On February 28, 2014, FirstNet announced the dates and times of future Board meetings, including this Board meeting on June 3, 2014. *See* Notice of Open Public Meetings, 79 FR 11421 (Feb. 28, 2014). This Notice supersedes the earlier notice and provides the correct dates, times, and other information about the June 2, 2014 Board Committee meetings and the June 3, 2014 Board meeting.

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No.: PTO–P–2013–0011]

Elimination of Patents Search Templates

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is eliminating the Patents Search Templates from the USPTO Web site. In 2006, the USPTO implemented Patents Search Templates, which were created to better identify the field of search, search tools, and search methodologies that should be considered each time an invention related to a particular USPC is searched. There are over 1200 search templates covering more than 600 USPC classes and subclasses. Historically, usage of the search templates by the public has been extremely low. Additionally, various aspects of the search templates, such as references to

commercial database vendor information, are in need of updating. Further, in January 2013, the USPTO launched a new classification system, the Cooperative Patent Classification (CPC) system, that is based on the International Patent Classification (IPC) system. The CPC, a joint patent classification system developed by the USPTO and the European Patent Office (EPO), incorporates the best classification practices of both the U.S. and European systems. Since CPC is a detailed, collaborative, and dynamic system that will enable patent examiners and the public to efficiently conduct thorough patent searches, the search templates will become obsolete.

DATES: *Effective Date:* May 21, 2014.

FOR FURTHER INFORMATION CONTACT: Pinchus M. Laufer, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at 571–272–7726; or by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

SUPPLEMENTARY INFORMATION: The search templates were created to better identify the field of search, search tools, and search methodologies which should be considered each time an invention related to a particular USPC is searched. The USPTO published a notice requesting comments on the proposed elimination of the search templates on October 30, 2013. *See Request for Comments on Proposed Elimination of Patents Search Templates,* 210 FR 64925 (October 30, 2013). In response, the Office received only one comment; it asserted the usefulness of the search templates in illustrating the scope of patent examination searches.

The search templates, however, are currently out-of-date since they include, for example, outdated commercial database vendor information that could be misleading for external stakeholders. Updating the search templates would require the editing of over 1200 pages and would not be an efficient use of USPTO resources, given that the templates are rarely used by the public.

Also, the search templates are indexed under USPC, which is being phased out in favor of CPC. CPC is an internationally compatible classification system that was launched in January 2013. CPC is a detailed, dynamic classification system that is based on IPC and enables patent examiners and the public to efficiently conduct thorough patent searches. As a result of the implementation of CPC, the search templates will become obsolete. CPC was jointly developed with the EPO and incorporates the best classification practices of both the U.S. and European systems. The USPTO and the EPO also believe that CPC will enhance efficiency and support work sharing initiatives with a view to reducing unnecessary duplication of work, thereby leading to enhanced patent quality and timelier examination of pending applications. Initial feedback from stakeholders confirms that the transition to CPC is a positive development. More information about CPC can be found at *http://www.cooperativepatentclassification.org*.

Due to the factors discussed above, the Office is removing the search templates from the USPTO Web site and any references to the search templates in USPTO documentation (for example, in the Accelerated Examination FAQs) will be updated to reflect the elimination of the search templates.

Dated: May 15, 2014.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2014–11741 Filed 5–20–14; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0026—Gross Collection of Exchange-Set Margins for Omnibus Accounts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments, as described below, on the proposed Information Collection Request (ICR) titled: Gross Collection of Exchange-Set Margins for Omnibus Accounts; OMB Control Number 3038–0026.

DATES: Comments must be submitted on or before July 21, 2014.

ADDRESSES: You may submit comments, identified by OMB Control Number 3038–0026, regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, by any of the following methods:

- *Agency Web site, via its Comments Online process: http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Mark Bretscher, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, IL 60661.
- *Hand delivery/Courier:* Same as Mail, above.
- *Federal eRulemaking Portal: http://www.regulations.gov/search/index.jsp.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Mark Bretscher, (312) 596–0529; FAX: (312) 596–0711; email: *mbretscher@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

• Ways to minimize the burden of 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.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Gross Collection of Exchange-Set Margins for Omnibus Accounts, OMB Control Number 3038–0026—Extension

Burden Statement: Commission Regulation 1.58 requires that FCMs margin omnibus accounts on a gross, rather than a net, basis. The regulation provides that the carrying FCM need not collect margin for positions traded by a person through an omnibus account in excess of the amount that would be required if the same person, instead of trading through an omnibus account, maintained its own account with the carrying FCM.

The Commission estimates the burden of this collection of information as follows:

• Estimated number of respondents: 66.

• Reports annually by each respondent: 4.

• Total annual responses: 264.

• Estimated average number of hours per response: .08.

• Annual reporting burden: 22.

[1] 17 CFR 145.9.

There are no capital costs or operating and maintenance costs associated with this collection.

This estimate is based on the number of written records maintained in the last three years. Although the burden varies, such records may involve analytical work and analysis, as well as multiple levels of review.

Dated: May 16, 2014.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

[FR Doc. 2014–11759 Filed 5–20–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Meeting of the Chief of Engineers Environmental Advisory Board

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open Advisory Board meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Chief of Engineers Environmental Advisory Board (''EAB''). This meeting will be open to the public. For more information about the EAB, please visit *http://www.usace.army.mil/Missions/Environmental/EnvironmentalAdvisoryBoard.aspx.*

DATES: The meeting will be held Thursday, June 12, 2014, from 8:30 a.m. through 12:00 p.m.

ADDRESSES: Gridley Conference Room, New England District, US Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742. Room changes or delays will be posted to the EAB's Web site if time allows.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Furry, Designated Federal Officer (DFO) for the Chief of Engineers Environmental Advisory Board, Room 3–I–23, 441 G Street NW., Washington DC 20314–1000. Email: *john.c.furry@usace.army.mil.* Desk Phone: (202) 761–5875. Mobile Phone: (202) 450–8958.

Media or other persons interested in photographing or taping the meeting should first contact Mr. Bill Hubbard at 978–318–8552 no later than five working days prior to the meeting.

SUPPLEMENTARY INFORMATION: This meeting is being held under provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting and Agenda: The Board will advise the Chief of Engineers on environmental policy, identification and resolution of environmental issues and missions, and addressing challenges, problems and opportunities in an environmentally sustainable manner. Discussions among board members and presentations will include issues related to dam release management and its sustainable downstream ecosystem effects, procedures for small private dam removal, basin-wide operations planning, outreach for science, technology, engineering, and mathematics (STEM) students, long-term infrastructure management, and developing effective partnerships with federal, state, tribal, and local stakeholders. The Board will also briefly discuss recent site visits and completed letter reports. Following Board discussions and presentations there will be a public comment period.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting will be open to the public. The building and meeting room are accessible to persons with disabilities. Security screening is required. Anyone attending the meeting must enter and exit at the front gate. Guards at the gate will direct attendees to the conference area. Attendees must present a valid form of government issued photo identification (e.g., drivers license, state issued photo ID, or passport), and pass through the security screening station. Wheelchair access is available at the main building entrance. All visitors must be escorted by an employee of the Corps of Engineers while in the building. Escorts will be located in the building security screening area. Attendees need to arrive in time to complete the security screening and arrive at the meeting room before 8:15 a.m. Seating will be limited and on a first-come basis. Free parking is available onsite.

Written Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of FACA, the public or interested organizations may submit written comments to the EAB in response to the stated agenda of the open meeting or the EAB's mission in general. Written comments or statements should be submitted to Mr. John Furry, the EAB's DFO, via electronic mail or the U.S. Postal Service, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or

statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements must be received no later than five working days prior to the meeting in order to allow time for the Board's consideration. The DFO will review all timely submitted written comments or statements with the Board's Chairperson, and ensure that the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting.

Oral Comments: The primary purpose of this meeting is for the Chief of Engineers to receive the views of the EAB. As such no member of the public will be allowed to present questions from the floor or speak to any issue under consideration during the deliberative portion of the meeting. However, up to thirty minutes will be set aside in the agenda for public comment. Anyone who wishes to speak must register prior to the start of the meeting and indicate their desire to address the EAB. Members of the public who have registered and indicated they want to make a verbal comment will be invited to speak in the order in which their requests were received. Each statement will be limited to not more than 3 minutes. All submitted comments and public presentations will be treated as public documents and may be made available for public inspection, including, but not limited to, being posted on the EAB's Web site.

Registration: Individuals who wish to attend the meeting on June 12, 2014 are strongly encouraged to register by 1:00 p.m. on Monday, June 9, 2014 with the DFO, using the electronic mail contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, registration should indicate the attendee's desire to make verbal comments. Registration will also be allowed near the meeting room entrance from 8:00 until 8:15 a.m.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2014–11772 Filed 5–20–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EERE–2014–BT–NOA–0016]

Physical Characterization of Smart and Grid-Connected Commercial and Residential Buildings End-Use Equipment and Appliances

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: This document announces an extension of the time period for submitting comments on the request for information, published on April 8, 2014, regarding the physical characterization of smart and grid-connected buildings end-use equipment and appliances. The comment period is extended to Monday, June 23, 2014. The U.S. Department of Energy (DOE) is soliciting comment and data from the public on a variety of issues related to the physical characterization of smart and grid-connected commercial and residential buildings end-use equipment and appliances; including but not limited to processes and metrics for measurement, identification of grid and building services that can be provided, and identification of values and benefits of grid connectivity. DOE also welcomes written comments from the public on any subject relevant (including topics not raised in this notice).

DATES: The comment period for the request for information regarding the physical characterization of smart and grid-connected buildings published on April 8, 2014 (79 FR 19322) is extended to June 23, 2014.

ADDRESSES: Any comments submitted must identify the request for comment for physical characterization of smart and grid-connected buildings and provide docket number EERE–2014–BT–NOA–0016 by any of the following methods:

- *Email: ConnectedBuildings2014NOA0016@ee.doe.gov.* Include the docket number EERE–2014–BT–NOA–0016 in the subject line of the message.
- *Mail:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. [Please note that comments and CDs sent by mail are often delayed and may be damaged by mail screening processes.]
- *Hand Delivery/Courier:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. If possible, please submit all items on CD, in which case it is not necessary to include printed copies.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Hagerman, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–4549. Email: *joseph.hagerman@ee.doe.gov*

SUPPLEMENTARY INFORMATION: On April 8, 2014, the U.S. Department of Energy (DOE) published a request for comment and notice of public meeting document in the **Federal Register** (79 FR 19322). The notice requested public comment from interested parties regarding specific as well as general questions and information provided for the submission of comments by May 23, 2014. The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) requested that DOE extend the comment period by 30 days. AHRI stated that the additional time is necessary in order to allow for review of and substantive comment on the significant questions to which DOE is seeking response.

Based on AHRI's request, DOE believes that extending the comment period to allow additional time for interested parties to submit comments is appropriate. Therefore, DOE is extending the comment period until Monday, June 23, 2014 to provide interested parties additional time to prepare and submit comments and will consider any comments received by that date.

Issued in Washington, DC, on May 14, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–11764 Filed 5–20–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14–347–000, PF13–9–000]

Magnolia LNG, LLC; Notice of Application

Take notice that on April 30, 2014, Magnolia LNG, LLC (Magnolia), 1001 McKinney, Suite 400, Houston, Texas 77002, filed in Docket No. CP14–347–000, an application pursuant to section 3(a) of the Natural Gas Act (NGA) for authority to construct and operate liquefaction and export facilities located at Magnolia LNG's proposed site near Lake Charles, Louisiana. Specifically, Magnolia proposes to develop a liquefied natural gas (LNG) facility capable of producing approximately 8 metric tonnes per annum (mtpa) of LNG for domestic consumption and export to foreign markets. The project would receive natural gas via a tie-in to an existing interstate pipeline owned by Kinder Morgan Louisiana Pipeline, LLC, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Ernie Megginson, Vice President, Development, Magnolia LNG, LLC, 1001 McKinney, Suite 400, Houston, TX 77002, by phone: (713) 815–6900, by fax: (713) 815–6905 or email: *emegginson@magnolialng.com*.

On March 20, 2013, the Commission staff granted the Magnolia's request to utilize the Pre-Filing Process and assigned Docket No. PF13–9–000 to staff activities involved the Magnolia LNG Project. Now as of filing the April 30, 2014 application, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP14–347–000, as noted in the caption of this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR § 157.9, within 90 days of this Notice, the Commission staff will issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: 5:00 p.m. Eastern Time on June 3, 2014.

Dated: May 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11719 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–473–000]

Gulf South Pipeline Company, LP, Petal Gas Storage, LLC; Notice of Application

Take notice that on May 1, 2014, Gulf South Pipeline Company, LP (Gulf South) and Petal Gas Storage, L.L.C. (Petal) filed in the above referenced docket an application, pursuant to sections 7(c) and 7(b) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting authorization for Gulf South to consolidate into its existing interstate natural gas operations the jurisdictional natural gas storage facilities owned and operated by Petal. The consolidated facilities will increase administrative efficiency; eliminate multiple leases between Gulf South and Petal; provide greater operational redundancies in physical facilities; and provide Gulf South more flexibility to create additional services that the market desires through the combination of facilities, all as more fully described in the Application which is on file with the Commission and open to public inspection.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call

toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to J. Kyle Stephens, Vice President of Regulatory Affairs, Boardwalk Pipeline Partners, LP, 9 Greenway Plaza, Houston, Texas, 77046; by fax to (713) 479–1846; or by email to *kyle.stephens@bwpmlp.com.*

Specifically, Gulf South seeks (i) authorization for Petal to abandon by transfer all of its jurisdictional facilities to Gulf South; (ii) authorization for Gulf South to acquire by inter-corporate merger and to operate as part of its existing facilities, all of Petal's facilities; (iii) authorization of Gulf South's request for market-based rates for storage services to be provided utilizing the combined Petal and Gulf South storage facilities in interstate commerce; (iv) authorization for Petal, an existing natural gas company, to abandon its Part 157 subpart F blanket certificate, issued in Docket No. CP95–14–000 and its Part 284 subpart G blanket certificate, issued in Docket No. CP93–69–000; (v) authorization for Gulf South to abandon certain lease capacity from Petal as authorized in Docket Nos. CP13–96–000 (for the Southeast Market Expansion Project) and CP13–532–000 (for NNS–A Service); and (vi) any additional authorizations or waivers necessary to complete the proposed merger of Petal and Gulf South

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 3, 2014.

Dated: May 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11720 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–225–002.
Applicants: New Brunswick Energy Marketing Corporation.
Description: Second Supplement to February 14, 2014 Triennial Review Compliance Filing of New Brunswick Energy Marketing Corporation.
Filed Date: 5/9/14.
Accession Number: 20140509–5045.
Comments Due: 5 p.m. ET 5/30/14.

Docket Numbers: ER14–972–002.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance Filing per 4/9/2014 Order in Docket No. ER14–972–000 to be effective N/A.
Filed Date: 5/9/14.
Accession Number: 20140509–5193.
Comments Due: 5 p.m. ET 5/30/14.

Docket Numbers: ER14–1939–000.
Applicants: ISO New England Inc.
Description: Identification of Potential New Capacity Zone Boundary and Request for Waiver of ISO New England Inc.
Filed Date: 5/9/14.
Accession Number: 20140509–5214.
Comments Due: 5 p.m. ET 5/19/14.

Docket Numbers: ER14–1940–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–08 Docket No. ER14–___–000 Schedule 29 Filing to be effective 6/30/2013.
Filed Date: 5/12/14.
Accession Number: 20140512–5053.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1940–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–08 Docket No. ER14–___–000 Schedule 29 Reconciliation Filing to be effective 4/12/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5059.
Comments Due: 5 p.m. ET 6/2/14.

The filings are accessible in the Commission's eLibrary system by

clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11721 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–82–000.
Applicants: Orlando CoGen Limited, L.P., Cambria CoGen Company, Vandolah Power Company L.L.C.
Description: Supplement to April 29, 2014 Joint Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action and Privileged Treatment of Cambria CoGen Company, et. al.
Filed Date: 5/14/14.
Accession Number: 20140514–5015.
Comments Due: 5 p.m. ET 5/27/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER04–835–000; EL04–103–000.
Applicants: California Independent System Operator Corporation, Pacific Gas and Electric Company.
Description: Informational Report on Status of Settlement Adjustments of California Independent System Operator Corporation.
Filed Date: 5/12/14.
Accession Number: 20140512–5254.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1956–000.
Applicants: Panther Creek Power Operating, LLC.
Description: Reactive Power Tariff Filing to be effective 5/15/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5030.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1957–000.
Applicants: Liberty Utilities (Granite State Electric) Corp., Massachusetts Electric Company.
Description: Provision of Electric Services Cost Adjustment and Settlement Agreement of Liberty Utilities (Granite State Electric) Corp. and Massachusetts Electric Company.
Filed Date: 5/12/14.
Accession Number: 20140512–5256.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1958–000.
Applicants: Florida Power & Light Company.
Description: FPL Revisions to Seminole Rate Schedule FERC No. 318 to be effective 6/1/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5069.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1959–000.
Applicants: PacifiCorp.
Description: MDU A&R Interconnection Agmt—Sheridan Sub to be effective 7/14/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5082.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1960–000.
Applicants: PJM Interconnection, L.L.C.
Description: Original Service Agreement No. 3810; Non-Queue to be effective 5/1/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5117.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1961–000.
Applicants: ITC Midwest LLC.
Description: Filing of CIAC Agreement with Crystal Lake Wind II to be effective 7/14/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5132.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1962–000.
Applicants: ITC Midwest LLC.
Description: Filing of CIAC Agreement with Crystal Lake Wind III to be effective 7/14/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5137.
Comments Due: 5 p.m. ET 6/4/14.

Docket Numbers: ER14–1963–000.
Applicants: UGI Utilities Inc., PJM Interconnection, L.L.C.
Description: UGI submits Ministerial Corrections to PJM OATT Attachment H–8C & H–8D to be effective 5/15/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5146.
Comments Due: 5 p.m. ET 6/4/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–35–000.
Applicants: Consumers Energy Company.
Description: Amendment to April 18, 2014 Application for Authority to Issue Securities of Consumers Energy Company.
Filed Date: 5/14/14.
Accession Number: 20140514–5081.
Comments Due: 5 p.m. ET 5/27/14.

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 14, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–11765 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–876–000.
Applicants: Leaf River Energy Center LLC.
Description: Leaf RIver Energy Center LLC—Purchase Offer Show Cause Order Compliance Filing to be effective 7/1/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5080.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–877–000.
Applicants: Northwest Pipeline LLC.
Description: Compliance—Order to Show Cause to be effective N/A.

Filed Date: 5/14/14.
Accession Number: 20140514–5083.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–878–000.
Applicants: Arlington Storage Company, LLC.
Description: Capacity Release Purchase Offer Posting Show Casue Order Compliance Filing to be effective 12/31/9998.
Filed Date: 5/14/14.
Accession Number: 20140514–5102.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–879–000.
Applicants: Tres Palacios Gas Storage LLC.
Description: Capacity Release Purchase Offer Posting Show Cause Order Compliance Filing to be effective 12/31/9998.
Filed Date: 5/14/14.
Accession Number: 20140514–5116.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–880–000.
Applicants: Golden Triangle Storage, Inc..
Description: Docket No. RP14–442–000 Compliance Filing to be effective 6/17/2014.
Filed Date: 5/14/14.
Accession Number: 20140514–5123.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–881–000.
Applicants: Vector Pipeline L.P.
Description: Compliance Filing to Show Cause Order RP14–442–000 to be effective N/A.
Filed Date: 5/15/14.
Accession Number: 20140515–5001.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–882–000.
Applicants: Carolina Gas Transmission Corporation.
Description: FERC Show cause Order 3–20–14 to be effective 5/22/2014.
Filed Date: 5/15/14.
Accession Number: 20140515–5018.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–883–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: Compliance to Show Cause to be effective 6/14/2014.
Filed Date: 5/15/14.
Accession Number: 20140515–5025.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–884–000.
Applicants: Texas Eastern Transmission, LP.
Description: May2014 Termination of Non-conforming Agreement to be effective 6/15/2014.
Filed Date: 5/15/14.
Accession Number: 20140515–5026.
Comments Due: 5 p.m. ET 5/27/14.

Docket Numbers: RP14–885–000.
Applicants: Rockies Express Pipeline LLC.
Description: Compliance to Show Cause Order to be effective 6/14/2014.
Filed Date: 5/15/14.
Accession Number: 20140515–5029.
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.

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: Thursday, May 15, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–11766 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1941–000.
Applicants: PJM Interconnection, L.L.C.
Description: 1st Quarter 2014 Updates to PJM OA and RAA Membership Lists to be effective 3/31/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5086.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1942–000.
Applicants: Public Service Company of New Mexico.
Description: Notice of Cancellation of Terminated TSA with SPS to be effective 6/1/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5101.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1943–000.
Applicants: Southwestern Public Service Company.
Description: 2014–5–12_SPS–RBEC–GSEC-Elks IA–673–0.0.0 to be effective 5/13/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5177.
Comments Due: 5 p.m. ET 6/2/14.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 12, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11722 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1952–000.
Applicants: Gridway Energy Corp.
Description: Notice of Cancellation to be effective 5/13/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5085.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1953–000.
Applicants: PacifiCorp.
Description: WAPA Buffalo Head Boundary Meters Agreement to be effective 7/13/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5097.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1954–000.
Applicants: ISO New England Inc.
Description: 1st Quarter 2014 Capital Budget Report of ISO New England Inc.
Filed Date: 5/13/14.
Accession Number: 20140513–5129.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1955–000.
Applicants: RTO Energy Trading, LLC.
Description: RTO Energy Trading, LLC FERC Electric Tariff No. 1 to be effective 6/27/2014.

Filed Date: 5/13/14.
Accession Number: 20140513–5175.
Comments Due: 5 p.m. ET 6/3/14.

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 13, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–11702 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–86–000.
Applicants: NM Neptune, LLC, Starwood Energy Investors, L.L.C.
Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of NM Neptune, LLC, et. al.
Filed Date: 5/12/14.
Accession Number: 20140512–5252.
Comments Due: 5 p.m. ET 6/2/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–354–001.
Applicants: Florida Power & Light Company.
Description: Florida Power & Light Company's Compliance Filing to the April 17, 2014 Order to be effective 1/13/2014.
Filed Date: 5/12/14.
Accession Number: 20140512–5223.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–1225–000; ER14–1225–001.
Applicants: Southwest Power Pool, Inc.
Description: Unopposed Stipulation and Offer of Settlement with Pro Forma Tariff Sheets of Southwest Power Pool, Inc.
Filed Date: 5/7/14.
Accession Number: 20140507–5203.
Comments Due: 5 p.m. ET 5/28/14.

Docket Numbers: ER14–1348–002.
Applicants: The Dow Chemical Company.
Description: Second Amendment to Petition (TDCC) to be effective 2/21/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5032.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1349–002.
Applicants: Union Carbide Corporation.
Description: Second Amendment to Petition (UCC) to be effective 2/21/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5033.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1944–000.
Applicants: Duke Energy Ohio, Inc.
Description: Amendment to RS 66 to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5049.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1945–000.
Applicants: Duke Energy Conesville, LLC.
Description: Amendment to Reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5051.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1946–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3329; Queue No. X1–049 to be effective 4/15/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5052.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1947–000.
Applicants: Duke Energy Dicks Creek, LLC.
Description: Amendment to Reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5053.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1948–000.
Applicants: Duke Energy Killen, LLC.
Description: Amendment to reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5055.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1949–000.
Applicants: Duke Energy Miami Fort, LLC.
Description: Amendment to Reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5057.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1950–000.
Applicants: Duke Energy Stuart, LLC.
Description: Amendment to reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5058.
Comments Due: 5 p.m. ET 6/3/14.

Docket Numbers: ER14–1951–000.
Applicants: Duke Energy Zimmer, LLC.
Description: Amendment to Reactive to be effective 5/1/2014.
Filed Date: 5/13/14.
Accession Number: 20140513–5059.
Comments Due: 5 p.m. ET 6/3/14.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES14–39–000.
Applicants: MidAmerican Energy Company.
Description: Amendment to April 25, 2014 Application of MidAmerican Energy Company under Section 204 of the Federal Power Act for Authorization to Issue and Sell Debt Securities.
Filed Date: 5/12/14.
Accession Number: 20140512–5251.
Comments Due: 5 p.m. ET 5/22/14.

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.

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Dated: May 13, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–11701 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–49–000]

Southwest Power Pool, Inc.; Notice of Petition for Declaratory Order

Take notice that on May 9, 2014, Southwest Power Pool, Inc. (SPP), pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207, filed a petition for declaratory order requesting that the Commission confirm that: (1) Section 7.4 of the SPP Open Access Transmission Tariff does not limit SPP's right to seek contract damages in an appropriate court for the nonpayment default for the entire term of the service contracted under the PTP Service Agreement with AES Shady Point, LLC (AES PTP Agreement); (2) nothing in the Commission's regulations requiring that transmission providers submit notices of termination before terminating service limits SPP's ability to seek damages for breach of contract in an appropriate court; and (3) the Commission's order [1] accepting cancellation of the AES PTP Agreement does not limit SPP's right to seek damages in an appropriate court for AES's nonperformance of the AES PTP Agreement.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 9, 2014.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11715 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *Southwest Power Pool, Inc.,* Docket No. ER13–989–000 (unpublished letter order issued on April 23, 2013).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–51–000]

Pacific Gas and Electric Company; Notice of Petition for Declaratory Order

Take notice that on May 12, 2014, Pacific Gas and Electric Company, pursuant to section 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2), section 219 of the Federal Power Act, 16 USC 824s, FERC Order No. 679,[1] and the Commission's November 15, 2012 policy statement on transmission incentives,[2] Pacific Gas and Electric Company filed a petition for declaratory order seeking transmission rate incentives for its investment in the 230 kV Central Valley Transmission Upgrade Project (the ''Project'') in Central California.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s).

For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 11, 2014.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11716 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

[1] *Promoting Transmission Investment through Pricing Reform,* Order No. 679, 116 FERC ¶ 61,057 (2006).

[2] *Promoting Transmission Investment through Pricing Reform,* 141 FERC ¶ 61,129 (2012).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2187–042]

Public Service Company of Colorado; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's regulations (18 CFR Part 380), Commission staff has reviewed plans, filed January 22, 2014, to replace Clear Lake Dam and the dam outlet works at the Georgetown Hydroelectric Project, which is located on South Clear Creek, approximately 50 miles west of Denver in Clear Creek County, Colorado.

The project licensee, Public Service Company of Colorado, plans to remove the Georgetown Project's existing Clear Lake Dam and outlet works, and construct a new roller compacted concrete dam and new outlet works in the same location. The work would correct dam safety concerns and

minimize potential failure modes, maintain existing hydropower, water supply and recreation resources, minimize future operation and maintenance costs, and allow the licensee to maintain compliance with the dam safety requirements of Part 12 of the Commission's regulations.

An environmental assessment (EA) has been prepared as part of staff's review of the proposal. In the EA, Commission staff analyzed the probable environmental effects of the planned work and concluded that approval of the work, with appropriate environmental measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2187) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERC OnlineSupport@ferc.gov* or toll-free at 1–866–208–3372, or for TTY, (202) 502–8659.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11710 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–88–013]

Louisiana Public Service Commission v. Entergy Services, Inc.; Notice of Filing

Take notice that on May 7, 2014, Entergy Services, Inc., as agent on behalf of the Entergy Operating Companies [1] submitted a correction to its April 29, 2014 subsequent compliance filing, correcting the calculation of the bandwidth remedy for the period of June 1, 2005 through December 31, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on May 28, 2014.

Dated: May 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11723 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

[1] The Entergy Operating Companies are Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–24–000]

Oncor Electric Delivery Company LLC; Notice of Filing

Take notice that on May 12, 2014, Oncor Electric Delivery Company LLC submitted its tariff filing per 35.28(e): Oncor TFO Tariff Rate Changes, effective April 14, 2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 11, 2014.

Dated: May 13, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11718 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–48–000]

PJM Interconnection, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On May 9, 2014, the Commission issued an order in Docket No. EL14–48–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the existing tariff provisions administered by PJM Interconnection, L.L.C. are unjust and unreasonable, in that they fail to promote long-term reliability in PJM's capacity market by possibly permitting speculative sell offers to be submitted into capacity market auctions.[1]

[1] *PJM Interconnection, L.L.C.,* 147 FERC ¶ 61,108 (2014) (May 9 Order).

The refund effective date in Docket No. EL14–48–000, as established in the May 9 Order, is five months after the date of publication of this notice in the **Federal Register**.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11714 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14588–000]

Alaska Power and Telephone Company; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 21, 2014, the Alaska Power and Telephone Company filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Lake 3160 Water Power Project (project) to be located at an unnamed alpine lake (Lake 3160) near Evelyn Lake on the Lace River in the City and Borough of Juneau, Alaska. The project would be located within the Tongass National Forest. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) The existing 451-acre Lake 3160 with 19,700 acre-feet of storage; (2) either a siphon intake directional bore or a 20-foot-high concrete dam with a spillway which would increase Lake 3160's surface area to 471 acres with 28,700 acre-feet of storage; (3) either a directional bore to the lake bottom or an above-ground 20- to 24-inch-diameter, 8,800-foot-long penstock; (4) a powerhouse containing either one or two generating units with a total installed capacity of 4,995 kilowatts (kW); (5) an open channel tailrace conveying powerhouse discharges to Evelyn Lake; (6) a 7.6-mile-long, 14.4/24.9 kilovolt (kV) (or higher) transmission line which would be built either as: (i) An overhead line; (ii) a buried line in a conduit; (iii) submarine cable; or (iv) a combination of all three to intertie with the existing line at a nearby mine on Johnson Creek; and (7) appurtenant facilities. The estimated annual generation of the project would be 40 gigawatt-hours.

Applicant Contact: Mr. Glen D. Martin, Project Manager, Alaska Power & Telephone Company, P.O. Box 3222, Port Townsend, WA 98363 phone: (360) 385–1733, x 122.

FERC Contact: Suzanne Novak; phone: (202) 502–6665.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14588–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14588) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11711 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14594–000]

Howard A. Hanson Power, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 3, 2014, Howard A. Hanson Power, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Howard A. Hanson Hydroelectric Project (Hanson Project or project) to be located on Howard A. Hanson reservoir near Enumclaw in King County, Washington. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing earth and rockfill dam on the Howard A. Hanson reservoir having a total storage capacity of 136,700 acre-feet at a normal maximum operating elevation of 1,141 feet mean sea level; (2) four 150 to 300-foot-long, 48-inch-diameter steel penstocks each housing an inline turbine/generation unit for a total capacity of 5 megawatts; (3) an overhead or buried 1-mile-long, 15-kilovolt transmission line extending from the project to an existing local utility's line (the point of interconnection); and (4) appurtenant facilities. The estimated annual generation of the Hanson Project would be 26 gigawatt-hours.

Applicant Contact: Mr. Magnús Jóhannesson, Howard A. Hanson Power, LLC, 46 Peninsula Center, Ste. E, Rolling Hills Estates, CA 90274, phone 310–699–6400, email *mj@americarenewables.com*.

FERC Contact: Ryan Hansen, phone: (202) 502–8074, email *ryan.hansen@ferc.gov*.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent,

and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14594–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14594) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11712 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM93–11–000]

Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, Notice of Annual Change in the Producer Price Index for Finished Goods

The Commission's regulations include a methodology for oil pipelines to change their rates through use of an index system that establishes ceiling levels for such rates. The Commission bases the index system, found at 18 CFR 342.3, on the annual change in the Producer Price Index for Finished Goods (PPI–FG), plus two point six five percent (PPI–FG + 2.65). The Commission determined in an ''Order Establishing Index For Oil Price Change Ceiling Levels'' issued December 16, 2010, that PPI–FG + 2.65 is the appropriate oil pricing index factor for pipelines to use for the five-year period commencing July 1, 2011.[1]

The regulations provide that the Commission will publish annually, an index figure reflecting the final change in the PPI–FG, after the Bureau of Labor Statistics publishes the final PPI–FG in May of each calendar year. The annual average PPI–FG index figures were 194.2 for 2012 and 196.6 for 2013.[2] Thus, the percent change (expressed as a decimal) in the annual average PPI–FG from 2012 to 2013, plus 2.65 percent, is positive 0.038858.[3] Oil pipelines must multiply their July 1, 2013, through June 30, 2014, index ceiling levels by positive 1.038858[4] to compute their index ceiling levels for July 1, 2014, through June 30, 2015, in accordance with 18 CFR 342.3(d). For guidance in calculating the ceiling levels for each 12 month period beginning January 1, l995,[5] *see Explorer Pipeline Company,* 71 FERC ¶ 61,416 at n.6 (1995).

In addition to publishing the full text of this Notice in the **Federal Register,** the Commission provides all interested persons an opportunity to view and/or print this Notice via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426. The full text of this Notice is available on FERC's Home Page at the eLibrary link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's Web site during normal business hours. For assistance, please contact the Commission's Online Support at 1–866–208–3676 (toll free) or 202–502–6652 (email at *FERCOnlineSupport@ferc.gov*), or the Public Reference Room at 202–502–8371, TTY 202–502–8659. E-Mail the Public Reference Room at *public.referenceroom@ferc.gov.*

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11717 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–474–000]

WBI Energy Transmission, Inc.; Notice of Request Under Blanket Authorization

Take notice that on May 5, 2014, WBI Energy Transmission, Inc. (WBI Energy Transmission), 1250 West Century Avenue, PO Box 5601, Bismarck, North Dakota 58506–5601, filed in Docket No. CP14–474–000, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) as amended, requesting authorization to establish a new Maximum Allowable Operating Pressure (MAOP) for three existing pipelines located in Washakie County, Wyoming. WBI Energy Transmission proposes to change the MAOP of the following pipelines: (i) 1,680 feet of eight-inch diameter pipeline from 242 pounds per square inch gauge (psig) to 1,000 psig; (ii) 1,856 feet 12-inch diameter pipeline from 100 psig to 200 psig; and (iii) 1,753 feet of 12-inch diameter pipeline from 800 psig to 300 psig. WBI Energy Transmission asserts that these changes are necessary in order to meet increased demand for additional pressure at the inlet of Devon Energy Production Company, LPS (Devon) Worland Plant. WBI Energy Transmission estimates that there are no costs associated with the Project, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Keith A. Tiggelaar, Director of Regulatory Affairs, WBI Energy Transmission, Inc., PO Box 5601, Bismarck, North Dakota, 58506–5601, by telephone at (701) 530–1560, or by email at *keith.tiggelaar@wbienergy.com.*

[1] 133 FERC ¶ 61,228 at P 1 (2010).

[2] Bureau of Labor Statistics (BLS) publishes the final figure in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the BLS, at 202–691–7705, and in print in August in Table 1 of the annual data supplement to the BLS publication Producer Price Indexes via the Internet at *http://www.bls.gov/ppi/home.htm.* To obtain the BLS data, scroll down to ''PPI Databases'' and click on ''Top Picks'' of the Commodity Data including ''headline'' FD–ID indexes (Producer Price Index—PPI). At the next screen, under the heading ''Producer Price Index Commodity Data,'' select the box, ''Finished goods—WPUSOP3000,'' then scroll to the bottom of this screen and click on Retrieve data.

[3] $[196.6 - 194.2]/194.2 = 0.012358 + 0.0265 = 0.038858$

[4] $1 + 0.038858 = 1.038858$

[5] For a listing of all prior multipliers issued by the Commission, see the Commission's Web site, *http://www.ferc.gov/industries/oil/gen-info/pipeline-index.asp.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on June 4, 2014.

Dated: May 14, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–11713 Filed 5–20–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0316; FRL–9909–94]

Receipt of Applications for Emergency Exemptions for Various Pesticides and Commodities; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces EPA's receipt of several requests for specific emergency exemptions requesting unregistered pesticide uses under specific emergency conditions. This notice provides an opportunity for public comment on the exemption requests.

DATES: Comments must be received on or before May 28, 2014. The time available for a decision on these applications requires shortening the comment period, as allowed by 40 CFR 166.24(c).

ADDRESSES: Submit your comments, identified by the specific docket identification (ID) number associated with the item you are commenting on, as shown in this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

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.

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.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of three emergency exemption applications submitted under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), which allows a Federal or State agency to be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. Information in accordance with 40 CFR part 166 was submitted as part of these requests. Pursuant to 40 CFR 166.24(a)(8), the regulations governing FIFRA section 18 allow for publication of a notice of receipt of an application for an emergency exemption if the EPA Administrator determines that publication of a notice is appropriate, as specified for each exemption request in the following paragraphs.

1. *Clothianidin.* (EPA–HQ–OPP–2014–0253). The Florida Department of Agriculture and Consumer Services (FDACS), has requested a specific exemption to use the pesticide clothianidin (CAS No. 210–880–92–5) to treat up to 125,376 acres of young citrus trees to control the transmission of Huanglongbing disease (citrus greening) caused by Asian Citrus Psyllid. As part of this request, the FDACS asserts that clothianidin is needed to control the transmission of Huanglongbing disease caused by Asian Citrus Psyllid due to the lack of available alternative treatments and effective control practices. Further, the FDACS affirms that significant economic loss will occur if this pest is not controlled. The FDACS proposes to make no more than two applications, at a maximum rate of 0.2 lb of clothianidin active ingredient (a.i.) per acre, on no more than 125,376 acres per year (based on 150 trees per acre) between April 15 and November 15, 2014, in commercial groves in Florida. As currently proposed, the maximum amount applied would be 25,037 lb of a.i., clothianidin, per year. FDACS proposes the use of clothianidin, which belongs to the neonicotinoid class of pesticides and is a metabolite of another neonicotinoid, thiamethoxam.

2. *Streptomycin.* (EPA–HQ–OPP–2014–0260). The Florida Department of Agriculture and Consumer Services (FDACS) has requested a specific exemption to use the pesticide streptomycin (CAS No. 3810–74–0) to treat up to 48,191 acres of fresh-market grapefruit to control citrus canker (caused by the bacteria *Xanthomonas axonopodis pv. Citri (Xac)*). The FDACS asserts that available alternative controls cause phytotoxic effects to the citrus when used during higher temperatures, and therefore are not adequate to effectively control citrus canker in grapefruit grown for the fresh market. The FDACS claims that significant economic losses are occurring and that this introduced pathogen has become a serious threat to the fresh-market grapefruit industry in the state of Florida. The FDACS proposes to make no more than two applications per crop at a rate of 0.448 lb streptomycin sulfate active ingredient (a.i.) per acre, equivalent to 2 lb formulated product per acre. A maximum total of 0.896 lb a.i. (4 lb product) per acre could be applied on up to 48,191 acres of grapefruit in June through September of 2014. Use could potentially occur statewide, but would primarily be in the commercial grapefruit-producing counties of Collier, De Soto, Hardee, Hendry, Highlands, Indian River, Manatee, Martin, Polk, and St. Lucie. At maximum rates, applications, and acreage, 43,179 lb of a.i., streptomycin sulfate (192,764 lb formulated product) per year, could be used under the proposed program. The FDACS proposes use of streptomycin sulfate, which is also used in humans and animals as an antibiotic drug.

3. *Terbufos.* (EPA–HQ–OPP–2014–0255). The Georgia Department of Agriculture (GDA) has requested a specific exemption to use the pesticide terbufos (CAS No. 13071–79–9) to treat up to 300,000 acres of cotton to control southern root knot nematodes. As part of this request, the GDA asserts that the loss of the registered alternative, aldicarb, has resulted in a critical and urgent need for a replacement product. Significant economic losses are expected since there are no viable options available for cotton growers in Georgia to control southern root knot nematodes. The GDA proposes to make no more than one at-plant treatment of terbufos per year at a rate of 1.0–2.0 lb terbufos active ingredient (a.i.) or 5–10 lb product per acre, on no more than 300,000 acres between April 15 and July 1, 2014, restricted to the following cotton-producing counties: Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Bleckley, Brooks, Bulloch, Burke, Calhoun, Candler, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Early, Emanuel, Grady, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Macon, Miller, Mitchell, Montgomery, Pierce, Pulaski, Randolph, Screven, Seminole, Sumter, Tattnall, Telfair, Terrell, Thomas, Tift, Toombs, Turner, Ware, Wayne, Wheeler, Wilcox, and Worth. As currently proposed, the maximum amount applied would be 1,950,000 lb of formulated product or 390,000 lb a.i. terbufos per year. The GDA proposes the use of terbufos, which belongs to the organophosphate class of pesticides.

The notice provides an opportunity for public comment on the exemption requests. This notice does not constitute decisions by EPA on the applications themselves. EPA is soliciting public comment before making the decisions whether or not to grant the exemptions. The Agency will review and consider all comments received during the comment periods in determining whether to issue the emergency exemptions requested.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 13, 2014.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–11800 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0351; FRL–9910–37]

Pesticide Program Dialogue Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is giving notice that a public meeting of the Pesticide Program Dialogue Committee (PPDC) is being planned for June 5–6, 2014. A draft agenda is under development and will be posted by May 16, 2014. On June 4, 2014, the following PPDC workgroup meetings are scheduled to meet as follows: PPDC Work Group on Integrated Pest Management; PPDC Work Group on Pollinator Protection; and PPDC Work Group on 21st Century Toxicology. All meetings are free, open to the public, and no advance registration is required.

DATES: The PPDC meeting will be held on Thursday, June 5, 2014, from 9:00 a.m. to 5:15 p.m., and Friday, June 6, 2014, from 9:00 a.m. to 12:15 p.m. The PPDC meeting and all PPDC Work Group meetings will be held at 1 Potomac Yard South, 2777 S. Crystal Drive, Arlington, VA. The PPDC meeting will be held in the lobby-level Conference Center.

On Wednesday, June 4, 2014, PPDC work group meetings are scheduled as follows: PPDC Pollinator Protection Work Group, 9:00 a.m. to 12:00 p.m. in the lobby-level Conference Center; PPDC Integrated Pest Management Work Group, 1:00 p.m. to 4:00 p.m. in the lobby level Conference Center; and PPDC 21st Century Toxicology/Integrated Testing Strategies Work Group from 1:00 p.m. to 3:00 p.m. in Conference Room N–4850, Potomac Yard North. Information regarding PPDC Work Groups is available on EPA's Web site at *http://www.epa.gov/pesticides/ppdc/.*

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The PPDC Meeting and PPDC Work Group meetings will be held at EPA's location at 1 Potomac Yard South, 2777 S. Crystal Drive, Arlington, VA. The PPDC meeting will be held in the lobby-level Conference Center. EPA's Potomac Yard South building is approximately 1 mile from the Crystal City Metro Station.

FOR FURTHER INFORMATION CONTACT: Margie Fehrenbach, Office of Pesticide Programs (7501P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–4775; fax number: (703) 308–4776; email address: *fehrenbach.margie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of particular interest to persons who work in agricultural settings or persons who are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act, and the Endangered Species Act. Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0351, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

The Office of Pesticide Programs (OPP) is entrusted with responsibility to help ensure the safety of the American food supply, the education and protection from unreasonable risk of those who apply or are exposed to pesticides occupationally or through use of products, and general protection of the environment and special ecosystems from potential risks posed by pesticides.

The Charter for the Environmental Protection Agency's Pesticide Program Dialogue Committee (PPDC) was established under the Federal Advisory Committee Act (FACA), Public Law 92–463, in September 1995, and has been renewed every 2 years since that time. PPDC's Charter was renewed October 25, 2013, for another 2-year period. The purpose of PPDC is to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues associated with evaluating and reducing risks from use of pesticides. It is determined that PPDC is in the public interest in connection with the performance of duties imposed on the Agency by law. The following sectors are represented on the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

Copies of the PPDC Charter are filed with appropriate committees of Congress and the Library of Congress and are available upon request.

III. How can I request to participate in this webinar?

PPDC meetings are open to the public. Persons interested in participating in the webinar do not need to register in advance of the meeting. Public comments may be made during the public comment session of each meeting or in writing to the address listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Agricultural workers, Agriculture, chemicals, endangered species, Pollinator protection, Foods, Integrated

pest management, Pesticide labels, Pesticides and pests, Public health, Spray drift, 21st century toxicology.

Dated: May 9, 2014.

Jack Housenger,

Director, Office of Pesticide Programs.

[FR Doc. 2014–11683 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9911–14–OAR]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA''), notice is hereby given of a proposed consent decree to address a lawsuit filed by the Sierra Club (''Plaintiff''), in the United States District Court for the Eastern District of Pennsylvania: *Sierra Club* v. *McCarthy,* No. 2:13–cv–06115–JCJ (E.D.Pa.). On October 18, 2013, Plaintiff filed a complaint that EPA failed to perform a non-discretionary duty to grant or deny seven petitions timely submitted by Plaintiff in 2012, requesting that EPA object to CAA title V operating permits issued by the Pennsylvania Department of Environmental Protection for seven coal-fired power plants located in Pennsylvania. Under the terms of the proposed consent decree, EPA would be required to sign its response for two of Plaintiff's petitions by July 31, 2014, or within 30 days of the entry of this Consent Decree, whichever is later, and would be able to defer action on the other five petitions.

DATES: Written comments on the proposed consent decree must be received by June 20, 2014.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2014–0398, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Susan Stahle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–1272; fax number (202) 564–5603; email address: *stahle.susan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would settle Plaintiff's claims in a title V deadline suit under section 505(b)(2) of the Clean Air Act concerning seven administrative petitions to object to seven title V permits issued by the Pennsylvania Department of Environmental Protection for seven coal-fired power plants located in Pennsylvania. The proposed consent decree would require EPA to sign its responses for two of Plaintiff's petitions by July 31, 2014, or within 30 days of the entry of this Consent Decree, whichever is later. The proposed consent decree also includes terms that allow EPA to defer action on the other five petitions. Once EPA has signed its responses, EPA would be required to deliver notice of its responses to the Office of the Federal Register for publication within 10 business days of signature. In addition, the proposed consent decree would require EPA to transmit its determination to Sierra Club within 5 business days of signature and, if such determination contains an objection in whole or in part, to the Commonwealth of Pennsylvania, Department of Environmental Protection. Under the proposed consent decree, once EPA has met all of its obligations, and any claims by Plaintiffs for costs of litigation have been resolved pursuant to the process provided in the proposed consent decree, either party may move the Court to terminate the consent decree.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

Direct your comments to the official public docket for this action under Docket ID No. EPA–HQ–OGC–2014–0398 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use the *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: May 13, 2014.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2014–11786 Filed 5–20–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT—79 FR 27869 (MAY 15, 2014)

DATE AND TIME: Tuesday May 20, 2014 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

CHANGE IN THE MEETING: The Commission will also discuss:

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or an arbitration.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Commission Secretary and Clerk.

[FR Doc. 2014–11855 Filed 5–19–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Grant Program Information Collection Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Submission for OMB Review: Comment Request.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13). This information collection, ''Labor-Management Cooperation Grant Program Information Collection Request'' (OMB Control No. 3076–0006) will be used to collect information to determine applicant suitability, to monitor grant project status and for grant program evaluation.

The OMB is particularly interested in comments which:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimates of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected;

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, e.g. permitting electronic and fax submission of responses.

Approximately 40 respondents will complete the grant kit annually. The estimated burden per respondent is 4.5 hours. The estimated total annual burden is 180 hours.

Affected Entities: Potential applicants and/or grantees who received our grant application kit. Also applicants who have received a grant from FMCS.

DATES: Comments should be received by OMB within 30 calendar days from the date of this publication.

ADDRESSES: Send comments to: Email: *oira_submission@omb.eop.gov.* Please include the FMCS form number, if applicable, the information collection title and the OMB control number in the subject line of your message. Comments may also be sent to fax number 202.395.5806 to the Attention of Desk Officer for FMCS.

SUPPLEMENTARY INFORMATION: For additional information, see the related 60-day notice published in the **Federal Register** at Vol. 79, No. 37 on Tuesday, February 25, 2014.

Dated: May 1, 2014.

Michael J. Bartlett,

Deputy General Counsel.

[FR Doc. 2014–11816 Filed 5–20–14; 8:45 am]

BILLING CODE 6732–01–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 4, 2014.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Riney Family Control Group* acting in concert to retain control of Kentucky Home Bancshares, Inc., Bardstown, Kentucky. The Riney Family Control Group consists of Teresa White Riney; Teresa White Riney, IRA; William Anthony Riney, Jr.; William Anthony Riney, Jr. IRA; William Anthony Riney, Jr., Custodian for Thomas William Riney; William Anthony Riney, Jr., Custodian for John William Riney; Betty Doris White; William Anthony Riney, Sr.; Nancy White Hale, IRA; Rachel White Fenwick; Joseph Stephen Fenwick; David Wayne

Riney, IRA; David Wayne Riney; Rhonda Thompson Riney; James Kevin Riney; Lori Russell Riney, all of Springfield, Kentucky; Charles David White and Janice Carol White, both of Bardstown, Kentucky; Theresa Riney Noel and Bradley Dee Noel, both of Harrodsburg, Kentucky; and Deborah Jean Goist, Portage, Michigan.

Board of Governors of the Federal Reserve System, May 15, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–11653 Filed 5–20–14; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 13, 2014.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Yadkin Financial Corporation*, Elkin, North Carolina; to acquire 100 percent of the voting shares of Piedmont Community Bank Holdings, Inc., Raleigh, North Carolina, and its subsidiary, VantageSouth Bancshares, Inc., Raleigh, North Carolina, and thereby indirectly acquire control of VantageSouth Bank, Cary, North Carolina.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Citizens National Corporation*, Wisner, Nebraska; to acquire up to an additional 1.49 percent for a total of 35.93 percent of the voting shares of Republic Corporation, parent of United Republic Bank, both in Omaha, Nebraska.

Board of Governors of the Federal Reserve System, May 15, 2014.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2014–11654 Filed 5–20–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–0278]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for extension of the approved information collection assigned OMB control number 0990–0278, scheduled to expire on June 30, 2014. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before June 20, 2014.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the OMB control number 0990–0278 and document identifier HHS–OS–0990–0278–30D for reference.

Information Collection Request Title: Federalwide Assurance Form, Assistant Secretary for Health, Office for Human Research Protections.

OMB No.: 0990–0278.

Abstract: The Office for Human Research Protections is requesting a three year extension of the Federalwide Assurance (FWA). The FWA is designed to provide a simplified procedure for institutions engaged in HHS-conducted or supported research to satisfy the assurance requirements of Section 491(a) of the Public Health Service Act and HHS Regulations for the protection of human subjects at 45 CFR 46.103. The respondents are institutions engaged in human subjects research that is conducted or supported by HHS.

Need and Proposed Use of the Information: The information collected by OHRP through the FWA is the minimum necessary to satisfy the assurance requirements of the Public Health Service Act and the requirements of HHS regulations at 45 CFR 46.103.

Likely Respondents: Research institutions engaged in HHS-conducted or -supported research involving human subjects.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the

information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Federalwide assurance (FWA)	11,050	2	30/60	11,050
Total				11,050

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–11659 Filed 5–20–14; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Evaluation of the Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC).''* In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by July 21, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluation of the Implementation of TeamSTEPPS in Primary Care Settings (ITS–PC)

As part of its effort to fulfill its mission goals, AHRQ, in collaboration with the Department of Defense's (DoD) Tricare Management Activity (TMA), developed TeamSTEPPS® (aka, Team Strategies and Tools for Enhancing Performance and Patient Safety) to provide an evidence-based suite of tools and strategies for training teamwork-based patient safety to health care professionals. TeamSTEPPS includes multiple toolkits which are all tied to or are variants of the core curriculum. In addition to the core curriculum, TeamSTEPPS resources have been developed for primary care, rapid response systems, long-term care, and patients with limited English proficiency.

The main objective of the TeamSTEPPS program is to improve patient safety by training health care staff in various teamwork, communication, and patient safety concepts, tools, and techniques and ultimately helping to build national capacity for supporting teamwork-based patient safety efforts in health care organizations. Since 2007, AHRQ's National Implementation Program has produced (and continues to produce) Master Trainers who have stimulated the use and adoption of TeamSTEPPS in health care delivery systems. These individuals were trained using the TeamSTEPPS core curriculum at regional training centers across the U.S. AHRQ has also provided technical assistance and consultation on implementing TeamSTEPPS and has developed various channels of learning (e.g., user networks, various educational venues) for continued support and the improvement of teamwork in health care. Since the inception of the National Implementation Program, AHRQ has trained more than 5,000 participants to serve as TeamSTEPPS Master Trainers.

Given the success of the National Implementation Program, AHRQ launched an effort to provide TeamSTEPPS training to primary care health professionals using the *TeamSTEPPS in Primary Care* version of the curriculum. Most of the participants in the current National Implementation Program's training come from hospital settings, because the TeamSTEPPS core curriculum is most aligned with that context. Under this new initiative, primary care practice facilitators will be trained through a combination of in-person and online training. Upon completion of the course, these individuals will be Master Trainers who will (a) train the staff at primary care practices, and (b) implement or support the implementation of TeamSTEPPS tools and strategies in primary care practices.

As part of this initiative, AHRQ seeks to conduct an evaluation of the TeamSTEPPS in Primary Care training program. This evaluation seeks to understand the effectiveness of the TeamSTEPPS in Primary Care training and how trained practice facilitators implement TeamSTEPPS in primary care practices.

This research has the following goals:

(1) Conduct a formative assessment of the TeamSTEPPS for Primary Care training program to determine what revisions and improvement should be made to the training and how it is delivered, and

(2) Identify how trained participants use and implement the TeamSTEPPS tools and resources in primary care settings.

This study is being conducted by AHRQ through its contractor, the Health Research and Education Trust (HRET) and HRET's subcontractor, IMPAQ International, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project, AHRQ will train primary care practice facilitators using the TeamSTEPPS in Primary Care training curriculum. Primary care practice facilitators may voluntarily sign up for this free, AHRQ sponsored training. Training will be delivered through a combination of online and in-person instruction. Online training will cover the core TeamSTEPPS tools and strategies that can be implemented in primary care. In-person instruction will cover coaching, organizational change, and implementation science. Practice facilitators, who complete the training, will be surveyed six months post-training.

The *TeamSTEPPS Primary Care Post-Training Survey* is an online instrument that will be administered to all primary care practice facilitators who complete the TeamSTEPPS in Primary Care training. The survey will be administered six months after participants complete training.

This is a new data collection effort for the purpose of conducting an evaluation of TeamSTEPPS in Primary Care Training. The evaluation is formative in nature as AHRQ seeks information to improve the content and delivery of the training. Training will be provided through a combination of online and in-person instruction.

To conduct the evaluation, the *TeamSTEPPS in Primary Care Post-Training Survey* will be administered to all individuals who complete the TeamSTEPPS in Primary Care training six months after training. The survey assesses the degree to which participants felt prepared by the training and what they did to implement TeamSTEPPS in primary care practices. Specifically, participants will be asked about their reasons for participating in the program; the degree to which they feel the training prepared them to train others in and use TeamSTEPPS in the primary care setting; what tools they have implemented in primary care practices; and resulting changes they have observed in the delivery of care.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondent's time to participate in the study. The *TeamSTEPPS in Primary Care Post-Training Survey* will be completed by approximately 150 individuals. We estimate that each respondent will answer 20 items (i.e., number of responses per respondent) and responding to these 20 questions will require 20 minutes. The total annualized burden is estimated to be 50 hours.

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to participate in the study. The total cost burden is estimated to be $4,348.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
TeamSTEPPS in Primary Care Post-Training Survey	150	1	20/60	50
Total	150	NA	NA	50

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
TeamSTEPPS Primary Care Post-training Survey	150	50	[a] $86.95	$4,348
Total	150	50	86.95	4,348

* National Compensation Survey: Occupational wages in the United States May 2012, "U.S. Department of Labor, Bureau of Labor Statistics."
[a] Based on the mean wages for *Family and General Practitioners* 29–1062.

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 13, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–11727 Filed 5–20–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: "*Guide to Nursing Home Antimicrobial*

Stewardship.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by July 21, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@ahrq.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Guide to Nursing Home Antimicrobial Stewardship

This project seeks to contribute to AHRQ's mission by assisting nursing homes to optimize antimicrobial (e.g., antibiotics and antifungals) prescribing practices, also referred to as antimicrobial stewardship. Antimicrobial stewardship programs reduce the development of drug-resistant organisms, enhance patient outcomes, and reduce unnecessary costs.

Nursing homes serve as one of our most fertile breeding grounds for antibiotic-resistant strains of bacteria. This stems from high rates of infection in nursing home residents due to the effects of normal aging combined with multiple chronic diseases. The most common infections encountered in nursing home residents are pneumonia, urinary tract infections, and skin and soft tissue infections. In one study by Yoshikawa and Norman, researchers found that these three types of infections accounted for approximately 75 percent of all nursing home-associated infections (NHAIs) . High rates of these infections lead to antimicrobials being among the most commonly prescribed pharmaceuticals in long-term care settings. In nursing homes, where polypharmacy is the rule rather than the exception, as many as 40 percent of all prescriptions are for antimicrobial agents, and depending on the study, 25 percent to 75 percent have been deemed inappropriately prescribed. Such inappropriate prescribing results in negative outcomes, including adverse drug events, hospital admissions, and higher health care costs. Most significantly, inappropriate antimicrobial prescribing gives rise to the development of multi-drug resistant organisms (MDROs), including Methicillin-resistant Staphylococcus aureus, Vancomycin-resistant Enterococci, and fluoroquinolone-resistant strains of a variety of bacteria, and leads to the development of Clostridium difficile infections.

In general, determining ''appropriateness'' of antimicrobial use in healthcare settings is challenging to standardize. This becomes even more complicated in the nursing home setting because most antimicrobial courses are started empirically (without results from labs) due to the limited diagnostics available to many nursing homes. In an effort to address the need for optimizing antibiotic use in the nursing homes, AHRQ is testing a Guide to Nursing Home Antimicrobial Stewardship (the Guide). The Guide is intended to help nursing home staff easily identify toolkits that have been shown to be effective in optimizing antimicrobial use. There are multiple toolkits that could be used by a nursing home, and nursing homes face a potentially time-consuming decision process to choose the most appropriate one. The Guide is intended to help nursing homes make this choice efficiently and effectively.

The research has the following goals:

Develop a nursing home-specific antimicrobial stewardship guide, containing toolkits to assist nursing homes to optimize antimicrobial prescribing practices, monitor microbes and antimicrobial use, enhance communication between nursing home staff and attending clinicians, and enhance communication and engagement with residents and family members regarding optimizing antimicrobial practices.

Evaluate the ability of nursing homes to use the Guide and improve antimicrobial use through better stewardship.

Develop a plan to ensure wide dissemination of the findings and recommendations for antimicrobial stewardship uptake in nursing homes.

This study is being conducted by AHRQ through its contractor, American Institutes for Research, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

(1) Medical Record Review (MRR). The MRR will be used to obtain data about antimicrobial prescribing practices, infection prevalence, and residents' health and functional statuses. These data will be used in the evaluation of the Guide's impact. Members of the research team will review the nursing home's medical charts, the Nursing Home Minimum Data Set (MDS), and the nursing home's infection control log for an evaluation period of at least 12 months (6 months before and 6 months after the introduction of the Guide). The MDS is part of the federally mandated process for clinical assessment of all residents in Medicare and Medicaid certified nursing homes. This process provides a comprehensive assessment of each resident's functional capabilities and helps nursing home staff identify health problems. Care Area Assessments are part of this process, and provide the foundation upon which a resident's individual care plan is formulated. MDS assessments are completed for all residents in certified nursing homes, regardless of source of payment for the individual resident. AHRQ will support data abstraction at all nursing homes.

(2) Cost Data Analysis. AHRQ will use the number and type of antimicrobial prescriptions and secondary estimates of the unit cost of these prescriptions, obtained from external sources, to compute the marginal impact of the Guide on the cost of antimicrobials for nursing homes.

(3) Pre-intervention Interviews with nursing home leaders. The purpose of these interviews is to gain an understanding of perceptions and current activities regarding antimicrobial stewardship and to assess the likelihood that the Guide will be used with a reasonable degree of fidelity to the implementation plan. This will involve both closed and open-ended interviews with nursing home leaders (administrator, director of nursing, assistant director of nursing, and/or medical director). The open ended interviews will examine (1) how the staff perceive antimicrobial stewardship; (2) the amount of experience the staff has in antimicrobial stewardship and its processes for handling the diagnosis and treatment of infections; and (3) which toolkit or toolkits are likely to be adopted and why. This information will help us identify interests by nursing homes and potential barriers to adopting a toolkit

from the Guide. This information also will be used to develop dissemination guidance. The closed ended interview questions, will be comprised of the Absorptive Capacity for Change survey, which asks about (1) leadership culture; (2) clinician culture; (3) presence of certified medical directors; and (4) level of antimicrobial surveillance. For the Evaluation, two leadership staff at each nursing home will be interviewed for a total of 20 interviews prior to implementing the intervention.

(4) Passive Technical Assistance (TA). The purpose of collecting these data is to obtain information on the types of TA needed as they emerge during the 6-month intervention period. This information will be used to improve the Guide. AHRQ projects 60 contacts from nursing home staff involved in implementing the Guide (10 sites, one per month at each site during the 6-month intervention period).

(5) Proactive TA discussions. The purpose of collecting these data is to obtain information on the facilitators, challenges, and unintended consequences of implementing a particular tool or toolkit. These informal discussions will be held at each nursing home once a month during the 6-month intervention phase. Staff will be asked about what activities they are conducting, changes to implementation, any facilitators, any challenges, and how they have addressed any challenges. This information will be used to improve the Guide. For the Evaluation, two individuals from each nursing home are projected to attend each of the six conference calls for a total of 20 individuals and a total of 120 contacts.

(6) Post-intervention interviews. The purpose of these interviews is to identify (1) facilitators and barriers to implementation; (2) perceived impacts of the Guide on the use of antimicrobials within the nursing home; (3) the nursing home's views on the business case for the Guide; and (4) ways to improve the tools. At a minimum two nursing home leaders and two champions (if different from leaders) will be interviewed. In addition, depending on the tool or toolkit selected, up to two prescribing clinicians, two nurses, or two residents or family members might be interviewed after the 6-month intervention period is completed. No more than six individuals per nursing home will be interviewed for a total of 60 interviewees. Interviews may take place together.

The information described above will be used to evaluate the Guide and, if found to be effective, develop a wide-spread dissemination plan for the Guide.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in this information collection.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Passive TA Collection Protocol	20	3	20/60	20
General Review of the Guide	20	1	2	40
Pre-intervention interview protocol	20	1	1	20
Proactive TA discussion protocol	20	6	30/60	60
Post-intervention interview protocols	60	1	1	60
Total	140	na	na	200

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Passive TA Collection Protocol	20	20	$30.34	$607
General review of the Guide	20	40	30.34	1,214
Pre-intervention interview protocol	20	20	30.34	607
Proactive TA discussion protocol	20	60	30.34	1,820
Post-intervention interview protocols	60	60	30.34	1,820
Total	140	200	na	6,068

* National Compensation Survey: Occupational wages in the United States May 2013, ''U.S. Department of Labor, Bureau of Labor Statistics.'' We used an average across the following types of staff: Nursing home registered nurses ($29.81) 29–1141, nursing home licensed practical/vocational nurses ($21.14) 29–2061, and nursing home administrator ($40.07) 11–9111. Our average was created by adding each of these three and *dividing by three for the average. Sources: http://www.bls.gov/oes/current/oes291141.htm* and *http://www.bls.gov/oes/current/oes292061.htm; http://www.bls.gov/oes/current/oes119111.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 13, 2014.

Richard Kronick,

AHRQ Director.

[FR Doc. 2014–11726 Filed 5–20–14; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–14–14GW]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Total Worker Health for Small Business—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The mission of the National Institute for Occupational Safety and Health (NIOSH) is to promote safety and health at work for all people through research and prevention. In this capacity, NIOSH will administer in-depth interviews designed to assess perceptions and opinions among small business owners in the Cincinnati/Northern Kentucky area regarding the Total Worker Health concept. This information will guide the development of a model for diffusion of the Total Worker Health approach among small businesses by community organizations. Total Worker Health for Small Business is a four-year field study whose overall goal is to identify the perceived costs and benefits of offering integrated occupational safety and health (OSH) and workplace wellness services to employees among small businesses (SBs), and to inform methods that will successfully diffuse the use of a Total Worker Health approach among small businesses and the community organizations that serve them. The data gathered in this study regarding small businesses' specific training needs, motivational factors, and preferred information sources will be of significant practical value when designing and implementing future interventions.

The proposed in-depth interviews described here for which Office of Management and Budget review and approval is being requested are a critical step toward the development of this TWH diffusion model. Phase 1 of this project included interview development and revision. The primary goal of Phase 2 of this project is to gather key-informant perceptions and opinions among the target audience, small business owners in the Cincinnati/Northern Kentucky area. Data gathered from in-depth interviews will guide the development of efforts to diffuse the Total Worker Health approach among small businesses and the community organizations which serve them.

About 90% of U.S. employer organizations have fewer than 20 employees, and 62% have less than five. Eighteen percent of all U.S. employees work for businesses that have less than 20 employees. In addition, more than 21 million U.S. businesses have zero employees, meaning that, although they are not counted as employees, the owner is also the worker. Workers in smaller organizations endure a disproportionate share of the burden of occupational injuries, illnesses, and fatalities.

There is no data available on the prevalence of TWH programs in smaller organizations. What is known about smaller organizations is divided into information about health protection and health promotion activities. Smaller organizations engage in fewer safety activities than larger organizations. The need for reaching this population with effective, affordable, and culturally appropriate training has been documented in publications and is increasingly becoming an institutional priority at NIOSH. Given the numerous obstacles which small business owners face in effectively managing occupational safety and health (e.g., financial and time constraints), there is a need for identifying the most crucial components of occupational safety and health and health promotion training.

This interview will be administered to a sample of approximately 60 owners of small businesses with 5–49 employees from the Cincinnati/Northern Kentucky area. Each participant will be administered the survey two times, approximately one year apart to assess for changes in perceptions regarding health protection and health promotion activities. The sample size is based on recommendations related to qualitative interview methods and the research team's prior experience.

Participants for this data collection will be recruited with the assistance of contractors who have successfully performed similar tasks for NIOSH in the past. Participants will be receive $50 as a token of appreciation for their time. The interview questionnaire will be administered verbally to participants in English.

Once this study is complete, results will be made available via various means including print publications and the agency internet site. The information gathered by this project could be used by OSHA, state health department, occupational health providers to determine guidelines for the development of appropriate training materials for small businesses. The results of this project will benefit small business workers by developing recommendations for increasing the effectiveness of occupational safety and health outreach methods specifically targeted to small businesses. Although beyond the scope of this study, it is expected that improved use of TWH programs will lower rates of injuries and fatalities for workers. The total burden hours are 180.

There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Small Business Owners	Interview Probes	60	2	1.5

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2014–11782 Filed 5–20–14; 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: Title IV–E Foster Care Eligibility Review and Child and Family Service Reviews; Final Rule.

OMB No.: 0970–0214.

Description: The following five separate activities are associated with this information collection: Foster Care Eligibility Review (foster care review) Program Improvement Plan; Child and Family Services Reviews (CFSR) State agency Statewide Assessment; CFSR On-site Review; CFSR Program Improvement Plan; and Anti-Discrimination Enforcement Corrective Action Plan. The collection of information for review of federal payments to states for foster care maintenance payments (45 CFR 1356.71(i)) is authorized by title IV–E of the Social Security Act (the Act), section 474 [42 U.S.C. 674]. The foster care review systematically checks title IV–E agency compliance in meeting title IV–E eligibility requirements; validates the accuracy of the agency's claims for reimbursement of title IV–E payment made on behalf of children in foster care; and identifies and recovers improper payments. The collection of information for review of state child and family services programs (45 CFR 1355.33(b), 1355.33(c) and 1355.35(a)) is to determine whether such programs are in substantial conformity with state plan requirements under parts B and E of the Act and is authorized by section 1123(a) [42 U.S.C. 1320a–1a] of the Act. The CFSR looks at the outcomes related to safety, permanency and well-being of children served by the child welfare system and at seven systemic factors that support the outcomes. Section 474(d) of the Act [42 U.S.C. 674] deploys enforcement provisions (45 CFR 1355.38(b) and (c)) for the requirements at section 4371(a)(18) [42 U.S.C. 671], which prohibit the delay or denial of foster and adoptive placements based on the race, color, or national origin of any of the individuals involved. The enforcement provisions include the execution and completion of corrective action plans when a state is in violation of section 471(a)(18) of the Act. The information collection is needed: (1) To ensure compliance with title IV–E foster care eligibility requirements; (2) to monitor state plan requirements under titles IV–B and IV–E of the Act, as required by federal statute; and (3) to enforce the title IV–E anti-discrimination requirements through state corrective action plans. The resultant information will allow ACF to determine if states are in compliance with state plan requirements and are achieving desired outcomes for children and families, help ensure that claims by states for title IV–E funds are made only on behalf of title IV–E eligible children, and require states to revise applicable statutes, rules, policies and procedures, and provide proper training to staff, through the development and implementation of corrective action plans. These reviews not only address compliance with eligibility requirements but also assist states in enhancing the capacities to serve children and families. In computing the number of burden hours for this information collection, ACF based the annual burden estimates on ACF's and states' experiences in conducting reviews and developing program improvement plans.

Respondents: State Title IV–B and Title IV–E Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
45 CFR 1356.7 (i) Program Improvement Plan (IV–E review)	2	1	90	180
45 CFR 1366.33 (b) Statewide Assessment (CFSR).	13	1	120	1,560
45 CFR 1355.33 (c) On-site Review (CFSR)	13	1	1,186	15,418
45 CFR 1355.35 (a) Program Improvement Plan (CFSR)	13	1	300	3,180
45 CFR 1355.38 (b) and (c) Corrective Action	1	1	780	780
Estimated total annual burden hours:				21,118

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. 2014–11660 Filed 5–20–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: June 5, 2014, 10:00 a.m. to 4:00 p.m. (Eastern Daylight Time).

Place: The meeting will be via audio conference call and Adobe Connect Pro.

Status: The meeting will be open to the public.

Agenda: The agenda items for the June meeting will include, but are not limited to: Updates from the Division of Vaccine Injury Compensation (DVIC), Department of Justice, National Vaccine Program Office, Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health), and Center for Biologics, Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV Web site (*http://www.hrsa.gov/vaccinecompensation/accv.htm*) prior to the meeting. Agenda items are subject to change as priorities dictate.

The public can join the meeting by:

1. (Audio Portion) Calling the conference number at 877–917–4913 and providing the Leader's Name, Dr. A. Melissa Houston, AND Password, ACCV; AND

2. (Visual Portion) Connecting to the ACCV Adobe Connect Pro Meeting using the following URL, and entering as GUEST: *https://hrsa.connectsolutions.com/accv/* (copy and paste the link into your browser if the link does not work directly, and enter as a guest).

Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview.*

Call (301) 443–6634 or send an email to *aherzog@hrsa.gov* if you are having trouble connecting to the meeting site.

Public Comment: It is preferred that persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Annie Herzog, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857 or email at *aherzog@hrsa.gov.* Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative.

The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by email, mail, or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

For Further Information Contact: Annie Herzog, DVIC, HSB, HRSA, Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443–6593; email *aherzog@hrsa.gov.*

Dated: May 15, 2014.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2014–11648 Filed 5–20–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group, NHLBI Institutional Training Mechanism Review Committee.

Date: June 19–20, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard Marriott/Courtyard Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Charles Joyce, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924, 301–435–0288, *cjoyce@nhlbi.nih.gov.*

Name of Committee: Heart, Lung, and Blood Initial Review Group, Heart, Lung, and Blood Program Project Review Committee.

Date: June 20, 2014.

Time: 8:00 a.m. to 4:00 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: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301–435–0303, *hurstj@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute, Special Emphasis Panel, Atherosclerosis and Structure and Function of HDL.

Date: June 20, 2014.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Washington, DC/Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892–7924, 301–435–0275, *lismerin@nhlbi.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute, Special Emphasis Panel, Mentoring Programs to Promote Diversity in Health Research.

Date: June 23, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC Dupont Circle Hotel, 1143 New Hampshire Avenue NW. Washington, DC 20037.

Contact Person: Stephanie L Constant, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7189, Bethesda, MD 20892, 301–443–8784, *constantsl@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: May 15, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11651 Filed 5–20–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, RFP NIAAA–2014–02 Preclinical Medications Screening in Alcohol Dependence Models of Alcoholism.

Date: May 29, 2014.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIAAA, 5635 Fishers Lane, Room 2098, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2085, Rockville, MD 20852 (301) 451–2067, *srinivar@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Special Emphasis Panel Review of RFA AA14–004, Research on Comparative Effectiveness and Implementation of HIV/AIDS and Alcohol Intervention.

Date: June 2, 2014.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Initial Review Group, Neuroscience Review Subcommittee (AA–4).

Date: June 10, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Terrace Level, Conference Center, Rockville, MD 20852.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2081, Rockville, MD 20852, (301) 443–0800, *bbuzas@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Initial Review Group, Biomedical Research Review Subcommittee (AA–1)

Date: June 10, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Terrace Level, Conference Center, Rockville, MD 20852.

Contact Person: Philippe Marmillot, Ph.D., Scientific Review Officer, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2019, Rockville, MD 20852, 301–443–2861, *marmillotp@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Initial Review Group, Clinical Treatment and Health Services Research Review Subcommittee (AA–3).

Date: June 11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Terrace Level, Conference Center, Rockville, MD 20852.

Contact Person: Katrina L. Foster, Ph.D., Scientific Review Officer National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2019, Rockville, MD 20852 301–443–4032, *katrina@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Review of NIAAA Member Conflict Application—Clinical, Treatment and Health Services Research.

Date: June 12, 2014.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Initial Review Group, Epidemiology, Prevention and Behavior Research Review Subcommittee (AA–2)

Date: June 17, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Terrace Level, Conference Center Rockville, MD 20852.

Contact Person: Katrina L. Foster, Ph.D., Scientific Review Officer National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2019, Rockville, MD 20852 301–443–4032, *katrina@mail.nih.gov*.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Mechanisms of Behavior Change in the Treatment of Alcohol Use Disorders (PAR AA–14–051, 052 & 053.

Date: June 18, 2014.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIAAA, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, NIH, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 92.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Supports Awards, National Institutes of Health, HHS).

Dated: May 15, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11652 Filed 5–20–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel, Training Grants.

Date: June 19, 2014.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Boulevard, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Peter Kozel, Ph.D., Scientific Review Officer, NCCAM, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892–5475, 301–496–8004, *kozelp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS).

Dated: May 15, 2014.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11650 Filed 5–20–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bacterial Pathogenesis.

Date: June 9, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–402–4454, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA Panel: Animal Models and Human Investigation Cross-Training.

Date: June 10, 2014.

Time: 2:00 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: Andrea B Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Chemo/Dietary Prevention Study Section.

Date: June 12, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Marriott, 1221 22nd Street NW., Washington, DC 20037.

Contact Person: Sally A Mulhern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 408–9724, *mulherns@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Radiation Therapeutics and Biology Study Section.

Date: June 16–17, 2014.

Time: 8:00 a.m. to 5:00 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: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Cancer Drug Developments & Therapeutics.

Date: June 17–18, 2014.

Time: 8:00 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: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group, Cancer Biomarkers Study Section.

Date: June 18, 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: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–357–9318, *ngkl@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Language and Communication Study Section.

Date: June 19, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, 301–437–9858, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Immunology.

Date: June 20, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street NW., Washington, DC 20037.

Contact Person: Stephen M. Nigida, Ph.D., Health Scientist Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301–435–1222, *nigidas@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Prokaryotic Cell and Molecular Biology Study Section.

Date: June 20, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National

Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301.326.9721, *Lorangd@mail.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group, Genetic Variation and Evolution Study Section.

Date: June 20, 2014.

Time: 8:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA Panel: Molecular Probes.

Date: June 20, 2014.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th NW., Washington, DC 20001.

Contact Person: Mary Custer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892, (301) 435–1164, *custerm@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: May 15, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–11649 Filed 5–20–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N05; FXES111300400000C2–145–FF04E00000]

Endangered and Threatened Wildlife and Plants; Notice of Availability of the Final Recovery Plan for Golden Sedge (*Carex Lutea*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the Fish and Wildlife Service, announce the availability of the final recovery plan for golden sedge (*Carex lutea*), a species endemic to the coastal plain in North Carolina. The final recovery plan includes specific recovery objectives and criteria to be met in order to downlist this species to threatened status or delist it under the Endangered Species Act of 1973, as amended (Act).

ADDRESSES: You may obtain a copy of the recovery plan by contacting Dale Suiter at the Raleigh Field Office, by U.S. mail at U.S. Fish and Wildlife Service, Raleigh Field Office, 551–F Pylon Drive, Raleigh, North Carolina 27606; or by telephone at (919) 856–4520, extension 18; or by visiting our recovery plan Web site at *http://www.fws.gov/endangered/species/recovery-plans.html.*

FOR FURTHER INFORMATION CONTACT: Dale Suiter, at the above address or by telephone at (919) 856–4520, ext. 18.

SUPPLEMENTARY INFORMATION:

Introduction

We listed golden sedge as an endangered species under the Act (16 U.S.C. 1531 et seq.), on January 23, 2002 (67 FR 3120), and designated critical habitat for the species on March 1, 2011 (76 FR 11086). This species is a rare perennial member of the sedge family (Cyperaceae) endemic to the coastal plain of North Carolina. It is currently known from only 21 occurrences (specific locations or sites) located within a 16 by 5 mile area in Pender and Onslow Counties. All eight populations of this plant occur in the Northeast Cape Fear River watershed in North Carolina.

Factors contributing to its endangered status are an extremely limited range and loss of habitat. The primary threat is the loss or alteration of habitat, from fire suppression; residential, commercial, or industrial development; mining; livestock grazing; and woody or invasive species encroachment.

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the endangered species program. To help guide the recovery effort, we are preparing recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires us to provide a public notice and an opportunity for public review and comment during recovery plan development.

Recovery Plan Specifics

The objective of this plan is to provide a framework for the recovery of golden sedge so that protection under the Act is no longer necessary. The draft of this recovery plan was available for public comment from June 18, 2013, through August 19, 2013 (78 FR 36566). We considered the information received via public comments as well as from peer reviewers in our preparation and approval of this final recovery plan. We also edited some sections of the draft recovery plan to reflect these comments; however, no substantial changes were made to the draft recovery plan.

Criteria for Reclassification From Endangered to Threatened

Golden sedge will be considered for reclassification from endangered to threatened status when all of the following criteria are met:

1. There are 10 protected *Carex lutea* sites in the wild that are distributed across the range of the species. [Note: Recovery sites will be considered permanently protected when they are placed under a conservation easement or other binding land agreement and a management agreement, and are ranked as an A or B population by the North Carolina Natural Heritage Program (NCNHP).]

2. On each of the 10 *Carex lutea* sites, for at least 5 years, any non-native plant species that have the potential to displace *Carex lutea* are maintained at or below 10 percent of total number of species and at or below 10 percent cover (volume).

3. All 10 *Carex lutea* sites demonstrate stable or increasing population trends for 5 consecutive years.

4. Habitat management plans are actively being implemented for at least seven of the protected sites.

5. A prescribed fire regime has been developed and is being conducted at all sites to mimic historical frequency and timing (the frequency will be determined through recovery actions in this plan).

We define ''protected'' to mean the site has been fee-simple acquired and put into long-term conservation by a local or State agency, or that a conservation easement or other binding land agreement has been placed on the site by a landowner that shows a commitment to its conservation in perpetuity and *Carex lutea* from the site is represented in a Center for Plant Conservation (CPC)–approved seed bank. In addition, each site should have a management agreement/plan developed. Prescribed fire should be

part of the agreement/plan and implemented regularly. These plans should include monitoring, according to protocols developed collaboratively by the U.S. Fish and Wildlife Service (USFWS), North Carolina Department of Agriculture and Consumer Services (NCDACS), North Carolina Division of Parks and Recreation (NCDPR), and The Nature Conservancy (TNC) and other interested parties; the monitoring should occur annually at each protected site. Each site should contain an A or B ranked occurrence. For downlisting to be considered, we would like to have at least 7 of the 10 protected sites to be A-ranked occurrences. The remaining three sites can be either A or B ranked occurrences.

Criteria for Delisting

Carex lutea will be considered for removal from the List of Endangered and Threatened Species (delisting) when all of the following criteria are met:

1. There are 15 protected sites in the wild that are distributed across the range of the species. [**Note:** Recovery sites will be considered permanently protected when they are placed under a conservation easement or other binding land agreement and a management agreement, and are ranked as an A or B population by the NCNHP.]

2. On each of the 15 *Carex lutea* sites, for at least 5 years, any non-native plant species that have the potential to displace *Carex lutea* are maintained at or below 10 percent of total number of species and at or below 10 percent cover (volume).

3. All 15 *Carex lutea* sites demonstrate stable or increasing population trends for 10 consecutive years.

4. Habitat management plans are actively being implemented for all protected sites and are showing evidence that actions are proving effective for this plant.

5. A prescribed fire regime is being conducted at all sites to mimic historical frequency and timing (which will be determined through recovery actions in this plan). The definition of ''protected'' is the same as in the criteria for downlisting. For delisting to be considered, at least 10 of the 15 protected sites should be A ranked occurrences. The remaining five sites can be either A or B ranked occurrences.

Next Steps

As reclassification and recovery criteria are met, the status of the species will be reviewed, and it will be considered for reclassification or removal from the Federal List of Endangered and Threatened Plants.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: April 23, 2014.

Cynthia K. Dohner,

Regional Director, Southeast Region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–11730 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX14N05ESB0500]

Agency Information Collection Activities: Request for Comments on the Registry of Climate Change Vulnerability Assessments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a new information collection, Registry of Climate Change Vulnerability Assessments.

SUMMARY: We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR.

DATES: To ensure that your comments are considered, the OMB must receive them on or before June 20, 2014.

ADDRESSES: Please submit your written comments on this information collection directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, at *OIRA_SUBMISSION@omb.eop.gov* (email); or (202) 395–5806 (fax). Please also forward a copy of your comments to the Information Collection Clearance Officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, VA 20192 (mail); 703–648–7195 (fax); or *gs-info_collections@usgs.gov* (email). Reference ''Information Collection 1028–NEW: Registry of Climate Change Vulnerability Assessments'' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Robin O'Malley, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192 (mail); 703–648–4086 (phone); or *romalley@usgs.gov* (email). You may also find information about this ICR at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USGS proposes to collect information on existing assessments of the vulnerability of various natural resources and societal assets to climate change (hereafter VA or ''vulnerability assessments''). This information will include the organization conducting the study, study location, topical focus of the assessment, methodology and supporting data used, and point of contact information. Because many governmental and nongovernmental parties are conducting such assessments, and because their conclusions, methodologies, and related data assets may be of interest or utility to others contemplating such assessments, the USGS will make the information collected available on the Web in the form of a simple registry-type database. Users, including the general public, scientists, resource management agencies, and others will be able to search the database by various keywords of interest.

II. Data

OMB Control Number: 1028–NEW.

Title: Registry of Climate Change Vulnerability Assessments.

Type of Request: Approval of new information collection.

Respondent Obligation: None (participation is voluntary).

Frequency of Collection: This information will be collected initially and reviewed at least annually. All listed Registry projects will be contacted and requested to update their information; Federal agencies participating in the Registry will conduct ''data calls'' according to agency practice to identify new agency projects, and external partners will be reminded via Web posting and community-of-practice networking that new projects may be added to the Registry. Additional entries may be added at any time, as information becomes available.

Description of Respondents: Federal agencies, state, tribal and nongovernmental partners, individual scientists, and others involved in the conduct of climate change vulnerability assessments.

Estimated Total Number of Annual Responses: Approximately 1,360 responses (i.e., additions to the registry)

are expected in the initial data collection phase (first year), including approximately 1200 from Federal organizations, 110 from state, local and tribal institutions, and 50 from private entities (nongovernmental organization, academic, commercial). In subsequent years, annual additions to the registry are expected to be 100 or fewer from all sources.

Estimated Time per Response: We estimate that it will take one hour per person to document a single assessment project for inclusion in the registry. In future years, reviewing project information to ensure currency or identifying new projects is expected to require *de minimis* effort.

Estimated Annual Burden Hours: 160 for non-Federal entities in year one and less than 50 in each subsequent year. The requirements of the Paperwork Reduction Act regarding estimation of annual burden hours do not apply to information collections from Federal agencies and are not addressed here.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''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 and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. Until the OMB approves a collection of information, you are not obliged to respond.

Comments: On August 21, 2013, we published a **Federal Register** notice (78 FR 162) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on October 21, 2013. We received two comments in response to that notice, each emphasizing support for the project. Specifically, the comments suggested that development of a registry would be necessary for cataloguing existing assessments and that such a registry will increase understanding of the nation's progress towards determining climate change impacts and provide insights for adaptation planning. Additionally, one commenter felt the registry will be useful for comparing assessment methods from different disciplines (e.g., ecosystems, infrastructure) and potentially reveal unrecognized connections or causal relationships between climate change and societal or natural resource vulnerabilities (e.g., ecosystem shifts and changes in vector-borne and zoonotic disease incidence). Suggested improvements included ensuring that the registry is relevant for all disciplines assessing vulnerability and implementing adaptation actions, including the public health and health care delivery services sectors. Our initial intent was to ensure that the registry would be available to all parties interested in questions of vulnerability and adaptation. We have, therefore, expanded the focus of the registry to explicitly include the health sectors cited in the received comments.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask the OMB in your comment to withhold your personally identifiable information from public review, we cannot guarantee that it will be done.

Robin I. O'Malley,

Policy and Partnership Coordinator, National Climate, Change and Wildlife Science Center, US Geological Survey.

[FR Doc. 2014–11760 Filed 5–20–14; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000. PH0000.L.X.SS.020H0000; HAG14–0114]

Steens Mountain Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Steens Mountain Advisory Council (SMAC) will meet as indicated below:

DATES: June 12–13, 2014 in Frenchglen, Oregon; July 17–18, 2014 in Burns or Frenchglen, Oregon; and November 13–14, 2014 in Bend, Oregon. Meetings may be canceled or rescheduled on short notice due to lack of Council business or emergency situations (wildfire, etc.). Meeting agendas and details will be available online at *www.blm.gov/or/rac/steens-rac-minutes.php* about two weeks prior to each session. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the SMAC.

FOR FURTHER INFORMATION CONTACT: Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, (541) 573–4519, or email *tmartina@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 (800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act (CMPA) of 2000 (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the bounds of the Steens Mountain CMPA; recommending cooperative programs and incentives for landscape management that meet human needs, and the maintenance and improvement of the ecological and economic integrity of the area. A public comment period will be available each day of each meeting, excluding sessions that are entirely in the field for tour purposes. The public is welcome to attend all sessions, including field tours. Unless otherwise approved by the SMAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the SMAC for a maximum of five minutes.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Brendan Cain,

Burns District Manager.

[FR Doc. 2014–11729 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L63100000–HD0000–14XL1116AF: HAG14–0123]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

Willamette Meridian

Oregon

Tps. 38 & 39 S., R. 6 E., accepted April 9, 2014.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 1220 SW. 3rd Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 1220 SW. 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

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.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2014–11728 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–GATE–14483; PPNEGATE00/PMP00UP05.YP0000, PX.P0075604H.00.1]

General Management Plan, Final Environmental Impact Statement, Gateway National Recreation Area, New Jersey and New York

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), the National Park Service (NPS) is releasing a Final Environmental Impact Statement for the General Management Plan (Final GMP/EIS), Gateway National Recreation Area (Gateway), New York. When approved, the plan will provide guidance to park management for administration, development, and interpretation of park resources over the next 20 years. The NPS preferred alternative incorporates various management prescriptions to ensure access to and protection and enjoyment of Gateway's resources.

The Final GMP/EIS responds to, and incorporates, agency and public comments received on the Draft GMP/EIS, which was available for public and agency review from August 2, 2013 through October 22, 2013. Copies of the Draft GMP/EIS were available at the park, by request, and on the NPS Planning, Environment, and Public Comment Web site *http://parkplanning.nps.gov/gate.* Public meetings were held on August 20–22, 2013; September 10, 2013; and September 12, 2013. Agency and public comments with NPS responses are provided in *Chapter 6: Comments and Responses to Comments on the Draft Plan* of the Final GMP/EIS.

DATES: The NPS will prepare a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of the Notice of Availability of the Final GMP/EIS in the **Federal Register**.

ADDRESSES: Electronic copies of the Final EIS/GMP will be available for public review at *http://parkplanning.nps.gov/gate.* A limited number of printed copies will be available upon request by contacting the Superintendent's office.

FOR FURTHER INFORMATION CONTACT: Superintendent Jennifer Nersesian, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305 or telephone at (718) 354–4664.

SUPPLEMENTARY INFORMATION: The document describes the no-action alternative and two action alternatives for future management of Gateway, the environment that would be affected by the alternative management actions, and the environmental consequences of implementing the alternatives.

Alternative A is a continuation of current management and trends. The park's enabling legislation and current GMP would continue to guide park management. Gateway would manage park resources and visitor use as it does today, with no major change in direction.

Alternative B is the NPS Preferred Alternative. This alternative provides the widest range of activities and most recreation opportunities in dispersed locations throughout the park. New connections would be forged with park lands and communities adjacent to Gateway and nearby. This alternative offers the most instructional programming and skills development and draws people into the park to increase awareness and enjoyment of Gateway's historic resources and the natural environment. Alternative C provides the most opportunities for independent exploration and experiences that immerse visitors into natural areas, historic sites, and landscapes. This alternative increases the visibility, enjoyment, and protection of coastal resources and highlights preservation efforts as part of interpretation and education activities and promotes hands-on learning and outdoor skills.

Dated: March 24, 2014.

Michael Caldwell,

Regional Director, Northeast Region, National Park Service.

[FR Doc. 2014–11753 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–WV–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–915]

Certain Set-Top Boxes, Gateways, Bridges, and Adapters and Components Thereof; Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 17, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of ViXS Systems, Inc., of Toronto, Ontario, Canada and ViXS USA, Inc. of Austin, Texas. A supplement to the complaint was filed on April 25, 2014, and an amended complaint was filed on May 6, 2014. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain set-top boxes, gateways, bridges, and adapters and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,301,900 (''the '900 patent''); U.S. Patent No. 7,099,951 (''the '951 patent''); U.S. Patent No. 7,200,855 (''the '855 patent''); and U.S. Patent No. 7,406,598 (''the '598 patent''). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

Scope of Investigation: Having considered the amended complaint, the U.S. International Trade Commission, on May 15, 2014, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain set-top boxes, gateways, bridges, and adapters and components thereof by reason of infringement of one or more of claims 8, 10–11, 13, 23–24, and 26 of the '900 patent; claims 16 and 21 of the '951 patent; claims 1–12, 14–25, 27–29, 31–33, 35–49, 51–61, and 63 of the '855 patent; and claims 1–2, 4–5, 7–8, and 24 of the '598 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

ViXS Systems, Inc., 1210 Sheppard Avenue E., Suite 800, Toronto, Ontario, M2K 1E3, Canada.

ViXS USA, Inc., 115 Wild Basin Road, Suite 115, Austin, TX 78746.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Entropic Communications, Inc., 6290 Sequence Drive, San Diego, CA 92121.

DirecTV, LLC, 2230 East Imperial Highway, El Segundo, CA 90245.

Wistron NeWeb Corporation, 20 Park Avenue II, Hsinchu Science Park, Hsinchu 308, Taiwan.

CyberTAN Technology, Inc., 99 Park Avenue III, Hsinchu Science Park, Hsinchu 308, Taiwan.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: May 16, 2014.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–11742 Filed 5–20–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–14–016]

Government in the Sunshine Act Meeting; Change of Time of Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

DATE: May 23, 2014.

NEW TIME: 10:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

In accordance with 19 CFR 201.35(d)(1), the Commission hereby gives notice that the meeting of May 23, 2014 will be held at 10:00 a.m.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of this change was not possible.

By order of the Commission:

Issued: May 19, 2014.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2014–11876 Filed 5–19–14; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0049]

Agency Information Collection Activities; Propose eCollection, eComments Requested; Reinstatement With Changes of a Previously Approved Collection

AGENCY: Federal Bureau of Investigation, Cyber Division, Department of Justice.

ACTION: 60-Day Notice; InfraGard Membership Application and Profile.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Cyber Division's National Industry Partnership Unit (NIPU) 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 21, 2014.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Lisa Avery, Management and Program Analyst, National Industry Partnership Unit, Federal Bureau of Investigation, Cyber Division, FBIHQ, 395 E Street SW., Washington, DC 20024 or facsimile at (202) 651–3190.

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 three points:

(1) 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;

(2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;

(3) 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:

1. Type of Information Collection: Personally identifiable information for vetting purposes.

2. Title of the Forms: InfraGard Membership Application and Profile.

3. Agency Form Number, if any, and the applicable component of the department sponsoring the collection: N/A.

Sponsor: National Industry Partnership Unit (NIPU) Cyber Division of the Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

4. Affected Public who will be asked or required to respond, as well as a brief abstract:

Primary: Members of the public and private-sector with a nexus to critical infrastructure protection interested in being a member of the FBI's National InfraGard Program.

Brief Abstract: Personal information is collected by the FBI for vetting and background information to obtain membership to the Program and access to its secure portal. InfraGard is a two-way information sharing exchange between the FBI and members of the public and private sector focused on intrusion and vulnerabilities affecting 16 critical infrastructures. Members are provided access to law enforcement sensitive analytical products pertaining to their area of expertise.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: InfraGard has approximately 27,000 members and receives approximately 7,200 new applications for membership per year. The average response time for reading and responding to the membership application and profile is estimated to be 30 minutes.

6. An estimate of the total public burden (in hours) associated with the collection: The total hour burden for completing the application and profile is 3,600 hours.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: May 15, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–11696 Filed 5–20–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Toxic Substances Control Act and the Resource Conservation and Recovery Act

On May 14, 2014, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nevada in the lawsuit entitled *United States* v.*Titanium Metals Corporation,* Civil Action No. 14–cv–00749–MMD–VCF.

The Consent Decree resolves claims against Titanium Metals Corporation (''TIMET'') under the Toxic Substances Control Act (''TSCA''), 15 U.S.C. 2601–2692, 2616 and the Resource Conservation and Recovery Act (''RCRA''), as amended, 42 U.S.C. 6901–6992k and 6928. The Consent Decree requires TIMET, under TSCA, to pay a $13.75 million civil penalty and to perform an investigation and cleanup of potential contamination stemming primarily from the unauthorized manufacture and disposal of PCBs (polychlorinated biphenyls) at its

manufacturing facility in Henderson, Nevada. TIMET will pay an additional $250,000 for violations related to illegal disposal of hazardous process wastewater, in violation of the Resource Conservation and Recovery Act (RCRA).

In addition to paying the penalty and performing the investigation and cleanup, the settlement requires TIMET to electronically submit monitoring data to EPA for three years showing that it is appropriately managing any PCBs it generates. TIMET has also agreed to allow the Nevada Division of Environmental Protection (NDEP) to make public TIMET's EPA-approved work plans and completed work reports through a dedicated Web site.

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. *Titanium Metals Corporation,* D.J. Ref. No. 90–7–1–09824. 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 $11.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–11655 Filed 5–20–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Settlement Order Under the Clean Water Act

On May 12, 2014, the Department of Justice lodged a proposed settlement order with the United States District Court for the District of Utah in the lawsuit entitled *United States* v. *Chevron Pipe Line Company*, Civil Action No. 2:14cv00360.

The United States filed this lawsuit under the Clean Water Act. The complaint seeks civil penalties from Chevron Pipe Line Company for two oil spills that occurred near Salt Lake City, Utah. The first oil spill occurred in June 2010 near Red Butte Creek, and the second occurred in March 2013 near Willard Bay. The settlement order requires the defendant to pay a civil penalty of $875,000 to the Oil Spill Liability Trust Fund.

The publication of this notice opens a period for public comment on the settlement order. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Chevron Pipe Line Company,* D.J. Ref. No. 90–5–1–1–10450. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the settlement order may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the settlement order 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 $2.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–11773 Filed 5–20–14; 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; Occupational Safety and Health Administration Grantee Quarterly Progress Report

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) revision titled, ''Occupational Safety and Health Administration Grantee Quarterly Progress Report,'' 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 20, 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=201404-1218-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments

by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the OSHA Grantee Quarterly Progress Report. The OSHA uses the Grantee Quarterly Progress Report, Form OSHA–171, to collect information concerning activities conducted during the quarter by grantees under OSHA's Susan Harwood training grants. This information is used to monitor progress to determine whether the organization is using Federal grant funds as specified in its grant application. This information collection has been classified as a revision, because the Agency proposes to reformat the form and to collect information on the total number of training hours provided by a grantee. The Occupational Safety and Health Act authorizes this information collection. *See* 29 U.S.C. 670.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0100. The current approval is scheduled to expire on May 31, 2014; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 9, 2014 (79 FR 1658).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0100. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Occupational Safety and Health Administration Grantee Quarterly Progress Report.

OMB Control Number: 1218–0100.

Affected Public: Private Sector—not-for-profit entities.

Total Estimated Number of Respondents: 91.

Total Estimated Number of Responses: 364.

Total Estimated Annual Time Burden: 5,096 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 15, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–11709 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Portable Fire Extinguishers Standard

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Portable Fire Extinguishers Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 20, 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=201404-1218-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Portable Fire Extinguishers Standard information collection codified in regulations 29 CFR 1910.157(e)(3). The Standard requires an Occupational Safety and Health Act (OSHAct) covered employer to subject each portable fire extinguisher to an annual maintenance inspection and to record the date of the inspection. The regulation requires the employer to retain the inspection record

for one year after the last entry or for the life of the shell, whichever is less, and to make the record available to the OSHA, on request. This recordkeeping requirement assures employees and OSHA compliance officers that any portable fire extinguisher located in the workplace will operate normally in case of fire; in addition, this requirement provides evidence to an OSHA compliance officer during an inspection that the employer performed the required maintenance checks on the portable fire extinguishers. The OSHAct authorizes this information collection. *See* 29 U.S.C. 651, 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0238.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 10, 2013 (78 FR 74167).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0238. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Portable Fire Extinguishers Standard.

OMB Control Number: 1218–0238.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1,380,750.

Total Estimated Number of Responses: 1,380,750.

Total Estimated Annual Time Burden: 69,038 hours.

Total Estimated Annual Other Costs Burden: $20,193,469.

Dated: May 15, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–11750 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Requests Submitted for Public Comment

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed 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. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) contained in the documents described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at reginfo.gov (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before July 21, 2014.

ADDRESSES: G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Washington, DC 20210, (202) 693–8410, FAX (202) 693–4745 (these are not toll-free numbers).

I. Supplementary Information

This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules and prohibited transactions described below. The Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICRs and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Request for Assistance from Department of Labor, EBSA.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0146.

Affected Public: Individuals or households.

Respondents: 30,000.

Responses: 30,000.

Estimated Total Burden Hours: 15,000.

Estimated Total Burden Cost (Operating and Maintenance): $3,100.

Description: The Department of Labor's Employee Benefits Security Administration (EBSA) maintains a program designed to provide education and technical assistance to participants and beneficiaries as well as to employers, plan sponsors, and service providers related to their health and retirement benefit plans. EBSA assists participants in understanding their rights, responsibilities, and benefits under employee benefit law and intervenes informally on their behalf with the plan sponsor in order to assist them in obtaining the health and retirement benefits to which they may have been inappropriately denied,

which can avert the necessity for a formal investigation or a civil action. EBSA maintains a toll-free telephone number through which inquirers can reach Benefits Advisors in ten Regional Offices.

EBSA also makes a request for assistance form available on its Web site for those wishing to contact EBSA online. Contact with EBSA is entirely voluntary. The Web form includes basic identifying information which is necessary for EBSA to contact the inquirer—first name, last name, street address, city, zip code, and telephone number—as well as information to improve customer service and enhance its capacity to handle greater inquiry volume, such as the plan type, broad categories of problem type, contact information for responsible parties, and a mechanism for the inquirer to attach relevant documents.

This information is used by EBSA to make informed and efficient decisions when contacting inquirers who have requested EBSA's informal assistance with understanding their rights and obtaining benefits they may have been denied inappropriately. EBSA uses the information to evaluate its service to inquirers, support the development of a broader understanding of the nature of current issues in employee benefit plans, and to respond to requests for information regarding employee benefit plans from members of Congress and governmental oversight entities in accordance with ERISA section 513. The ICR was approved by the Office of Management and Budget (OMB) under OMB Control Number 1210–0146 and is scheduled to expire on September 30, 2014.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Procedure for Application for Exemption from the Prohibited Transaction Provisions of Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA).

Type of Review: Extension of a currently approved information collection.

OMB Number: 1210–0060.

Affected Public: Businesses or other for-profits.

Respondents: 56.

Responses: 22,925.

Estimated Total Burden Hours: 2,564.

Estimated Total Burden Cost (Operating and Maintenance): $1,547,000.

Description: Both ERISA and the Code contain various statutory exemptions from the prohibited transaction rules. In addition, section 408(a) of ERISA authorizes the Secretary of Labor to grant administrative exemptions from the restrictions of ERISA sections 406 and 407(a), while section 4975(c)(2) of the Code authorizes the Secretary of the Treasury or his delegate to grant exemptions from the prohibitions of Code section 4975(c)(1). Sections 408(a) of ERISA and 4975(c)(2) of the Code also direct the Secretary of Labor and the Secretary of the Treasury, respectively, to establish procedures to carry out the purposes of these sections.

Under section 3003(b) of ERISA, the Secretary of Labor and the Secretary of the Treasury are directed to consult and coordinate with each other with respect to the establishment of rules applicable to the granting of exemptions from the prohibited transaction restrictions of ERISA and the Code. Under section 3004 of ERISA, moreover, the Secretary of Labor and the Secretary of the Treasury are authorized to develop jointly rules appropriate for the efficient administration of ERISA.

Under section 102 of Reorganization Plan No. 4 of 1978 (Reorganization Plan No. 4), the foregoing authority of the Secretary of the Treasury to issue exemptions under section 4975 of the Code was transferred, with certain enumerated exceptions not discussed herein, to the Secretary of Labor. Accordingly, the Secretary of Labor now possesses the authority under section 4975(c)(2) of the Code, as well as under section 408(a) of ERISA, to issue individual and class exemptions from the prohibited transaction rules of ERISA and the Code.

On April 28, 1975, the Department published ERISA Procedure 75–1 in the **Federal Register** (40 FR 18471). This procedure provided necessary information to the affected public regarding the procedure to follow when requesting an exemption. On October 27, 2011, the Department issued its current exemption procedure regulation, which superseded ERISA Procedure 75–1 (and intervening amendments).

The amended rule by the Department expands the ICR contained in sections 2570.34 and 2570.35 of the current exemption procedure regulation in several respects. For instance, the current requirement of specialized statements from qualified independent appraisers, where applicable, includes the appraiser's rationale, credentials, and a statement regarding the appraiser's independence from the parties involved in the transaction. In this connection, the appraisal report prepared by the independent appraiser must be current and not more than one year old as of the date of the transaction. In addition, the content of specialized statements submitted by qualified independent fiduciaries, where applicable, require the disclosure of information concerning the independent fiduciary's qualifications, duties, independence from the parties involved in the transaction, and current compensation. The content of specialized statements from other kinds of experts would also be clarified in the new regulation to require disclosure of information concerning the expert's qualifications and their independence from the parties involved in the transaction.

In addition, a requirement contained in section 2570.43(d) and (e) provides the Department with the discretion to require an applicant to furnish interested persons with a Summary of Proposed Exemption (SPE). Finally, the Department amended § 2570.43 to permit applicants to utilize electronic means (such as email) to deliver notice to interested persons of a pending exemption, provided that the applicant can demonstrate satisfactory proof of electronic delivery to the entire class of interested persons. The ICR was approved by OMB under OMB Control Number 1210–0060 and is scheduled to expire on October 31, 2014.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Investment Advice Participants and Beneficiaries.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0134.

Affected Public: Businesses or other for-profits.

Respondents: 16,000.

Responses: 20,716,000.

Estimated Total Burden Hours: 3,623,008.

Estimated Total Burden Cost (Operating and Maintenance): $480,725,024.

Description: On October 25, 2011, the Department issued a final regulation implementing the provisions of the statutory exemption set forth in sections 408(b)(14) and 408(g) of ERISA, and parallel provisions in sections 4975(d)(17) and 4975(f)(8) of the Internal Revenue Code of 1986, as amended (Code), relating to the provision of investment advice described in section 3(21)(A)(ii) of the Act by a fiduciary adviser to participants and beneficiaries in participant-directed individual account plans, such as 401(k) plans, and beneficiaries of individual retirement accounts (and certain similar plans).

Section 408(b)(14) sets forth the investment advice-related transactions that will be exempt from the prohibitions of ERISA section 406 if the requirements of section 408(g) are met.

The transactions described in section 408(b)(14) are: The provision of investment advice to the participant or beneficiary with respect to a security or other property available as an investment under the plan; the acquisition, holding or sale of a security or other property available as an investment under the plan pursuant to the investment advice; and the direct or indirect receipt of compensation by a fiduciary adviser or affiliate in connection with the provision of investment advice or the acquisition, holding or sale of a security or other property available as an investment under the plan pursuant to the investment advice. The requirements in section 408(g) are met only if advice is provided by a fiduciary adviser under an ''eligible investment advice arrangement.'' Section 408(g) provides for two general types of eligible arrangements: One based on compliance with a ''fee-leveling'' requirement (imposing limitation on fees and compensation of the fiduciary adviser); the other, based on compliance with a ''computer model'' requirement (requiring use of a certified computer model).

The regulation contains the following collections of information: (1) A fiduciary adviser must furnish an initial disclosure that provides detailed information to participants about an advice arrangement before initially providing investment advice; (2) a fiduciary adviser must engage, at least annually, an independent auditor to conduct an audit of the investment advice arrangement for compliance with the regulation; (3) if the fiduciary adviser provides the investment advice through the use of a computer model, then before providing the advice, the fiduciary adviser must obtain the written certification of an eligible investment expert as to the computer model's compliance with certain standards (e.g., applies generally accepted investment theories, unbiased operation, objective criteria) set forth in the regulation; and (4) fiduciary advisers must maintain records with respect to the investment advice provided in reliance on the regulation necessary to determine whether the applicable requirements of the regulation have been satisfied.

The ICR was approved by OMB under OMB Control Number 1210–0134 and is scheduled to expire on October 31, 2014.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Alternative Method of Compliance for Certain Simplified Employee Pensions.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0034.

Affected Public: Businesses or other for-profits.

Respondents: 36,000.

Responses: 68,000.

Estimated Total Burden Hours: 21,000.

Estimated Total Burden Cost (Operating and Maintenance): $23,000.

Description: Section 110 of ERISA authorizes the Secretary to prescribe alternative methods of compliance with the reporting and disclosure requirements of Title I of ERISA for pension plans. Simplified employee pensions (SEPs) are established in section 408(k) of the Internal Revenue Code (Code). Although SEPs are primarily a development of the Code and subject to its requirements, SEPs are also pension plans subject to the reporting and disclosure requirements of Title I of ERISA.

The Department previously issued a regulation under the authority of section 110 of ERISA (29 CFR 2520.104–49) that intended to relieve sponsors of certain SEPs from ERISA's Title I reporting and disclosure requirements by prescribing an alternative method of compliance. These SEPs are, for purposes of this Notice, referred to as ''non-model'' SEPs because they exclude (1) those SEPs which are created through use of Internal Revenue Service (IRS) Form 5305–SEP, and (2) those SEPs in which the employer limits or influences the employees' choice to IRAs into which employers' contributions will be made and on which participant withdrawals are prohibited. The disclosure requirements in this regulation were developed in conjunction with the Internal Revenue Service (IRS Notice 81–1). Accordingly, sponsors of ''nonmodel'' SEPs that satisfy the limited disclosure requirements of the regulation are relieved from otherwise applicable reporting and disclosure requirements under Title I of ERISA, including the requirements to file annual reports (Form 5500 Series) with the Department, and to furnish summary plan descriptions and summary annual reports to participants and beneficiaries.

This ICR includes four separate disclosure requirements. First, at the time an employee becomes eligible to participate in the SEP, the administrator of the SEP must furnish the employee in writing specific and general information concerning the SEP; a statement on rates, transfers and withdrawals; and a statement on tax treatment. Second, the administrator of the SEP must furnish participants with information concerning any amendments. Third, the administrator must notify participants of any employer contributions made to the IRA. Fourth, in the case of a SEP that provides integration with Social Security, the administrator shall provide participants with statement on Social Security taxes and the integration formula used by the employer. The ICR was approved by OMB under OMB Control Number 1210–0034 and is scheduled to expire on December 31, 2014.

II. Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are 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 collections 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., by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICRs for OMB approval of the extension of the information collection; they will also become a matter of public record.

Dated: April 29, 2014.

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 2014–11749 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,184]

Redflex Traffic Systems, Inc.; Engineering Department; North American Division; Phoenix, Arizona; Notice of Revised Determination on Reconsideration

The initial investigation resulted in a negative determination was based on the Department's findings that the

petitioning worker group at Redflex Traffic Systems, Inc., North American Division, Phoenix, Arizona (subject firm) did not meet the eligibility criteria of the Trade Act, as amended. The Department's Notice of determination was published in the **Federal Register** on February 13, 2014 (79 FR 8736).

The request for reconsideration asserts that the petition for Trade Adjustment Assistance was filed on behalf of the Engineering Department and that the scope of the initial investigation was too broad and, therefore, detrimental to the petitioning workers.

Based on information collected from the subject firm during the reconsideration investigation, the Department determines that the subject firm shifted to a foreign country the supply of services like or directly competitive with those provided by the workers of Redflex Traffic Systems, Inc., North American Division, Engineering Department, Phoenix, Arizona.

Conclusion

After careful review of the additional facts obtained on reconsideration, I determine that workers of Redflex Traffic Systems, Inc., North American Division, Engineering Department, Phoenix, Arizona, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Redflex Traffic Systems, Inc., North American Division, Engineering Department, Phoenix, Arizona, who became totally or partially separated from employment on or after October 29, 2012, through two years from the date of this certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 29th day of April, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11640 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,697]

AT&T Corporation; a Subsidiary of AT&T Inc.; Business Billing Customer Care; Pittsburgh, Pennsylvania; Notice of Negative Determination on Reconsideration

On October 23, 2013, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of AT&T Corporation, a subsidiary of AT&T Inc., Business Billing Customer Care, Pittsburgh, Pennsylvania (hereafter referred to as ''the subject firm''). Workers at the subject firm were engaged in activities related to the supply of billing inquiry and billing dispute resolution services.

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination was based on the Department's findings that there no increased imports, during the relevant period, of services like or directly competitive with the billing inquiry and billing dispute resolution services supplied by the subject workers; the subject firm has not shifted the supply of services like or directly competitive with the billing inquiry and billing dispute resolution services supplied by the subject workers to a foreign country or acquired the supply of billing inquiry and billing dispute resolution services from a foreign country; the worker separations are attributable to a shift of billing inquiry and billing dispute resolution services to other locations within the United States; the subject firm is not a Supplier to, or act as a Downstream Producer to, a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, 19 U.S.C. 2272(a); and the workers' firm has not been publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in an affirmative finding of serious injury, market disruption, or material injury, or threat thereof.

The request for reconsideration alleges that the subject firm has shifted billing services, ordering services, and/or customer support services to Slovakia, Mexico, India, and/or the Philippines. The worker requesting reconsideration also supplied additional information in regard to employment figures at the aforementioned locations and subsequently submitted multiple documents and attachments related to the afore-mentioned allegations.

During the course of the reconsideration investigation, the subject firm addressed the afore-mentioned allegations and confirmed the meaning of multiple documents and attachments provided by the worker requesting reconsideration.

During the reconsideration investigation, the Department received information which confirmed that the subject firm has not imported, during the relevant period, any services like or directly competitive with billing inquiry and billing dispute resolution services supplied by workers of the subject firm; the subject firm did not shift the supply of services like or directly competitive with the billing inquiry and billing dispute resolution services supplied by workers of the subject firm, and; the subject firm did not acquire from a foreign country the supply of services like or directly competitive with the billing inquiry and billing dispute resolution services supplied by workers of the subject firm.

Additional information obtained from the subject firm during the reconsideration investigation revealed that the subject firm does not import any finished products that incorporate services like or directly competitive with the services supplied by the subject firm.

Therefore, after careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review, I determine that the requirements of Section 222 of the Act, 19 U.S.C. 2272, have not been met and, therefore, deny the petition for group eligibility of AT&T Corporation, a subsidiary of AT&T Inc., Business Billing Customer Care, Pittsburgh, Pennsylvania, to apply for adjustment assistance, in accordance with Section 223 of the Act, 19 U.S.C. 2273.

Signed in Washington, DC, on this 7th day of May, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11637 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,051]

VEC Technology, LLC; a Subsidiary of J&D Holdings, LLC; Greenville, Pennsylvania; Notice of Negative Determination Regarding Application for Reconsideration

By application dated April 10, 2014, a company official requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance, applicable to workers and former workers of VEC Technology, LLC, a subsidiary of J&D Holdings, LLC, Greenville, Pennsylvania (subject firm). The determination was issued on March 21, 2014. The Department's notice of determination was published in the **Federal Register** on April 8, 2014 (79 FR 19385).

The workers' firm is engaged in activities related to the production of engine hoods, engine cover tooling, and parts for forklifts and drainage trenches.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the Trade Adjustment Assistance (TAA) petition filed on behalf of workers at the subject firm was based on the Department's findings that the subject firm did not shift production of engine hoods and associated articles to a foreign country and that neither the subject firm nor its customers imported engine hoods and associated articles, or articles like or directly competitive, during the relevant time period.

In the request for reconsideration, the petitioner asserts that the workers of the subject firm should be eligible to apply for TAA because loss of business that occurred prior to the relevant time period continues to impact the operations of the subject firm.

29 CFR 90.16(b)(3) establishes that the Department find ''increases (absolute or relative) of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof . . . .''

29 CFR 90.2 states ''*Increased imports* means that imports have increased either absolutely or relative to domestic production compared to a representative base period. The representative base period shall be one year consisting of the four quarters immediately preceding the date which is twelve months prior to the date of the petition.''

In the case at hand, the petition date is February 4, 2014. Therefore, ''the twelve months prior'' date is February 4, 2013, and the ''representative base period'' is January 2012 through December 2012. Consequently, imports during January 2013 through December 2013 must have increased from January 2012 through December 2012 levels for the Department to determine that the regulatory definition of ''increased imports'' is met.

The Department's investigation, which included an inquiry of both subject firm and customer imports, did not reveal increased imports of articles like or directly competitive with those produced at the subject firm during the relevant period.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 28th day of April, 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11642 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Solicitation for Grant Applications for Workforce Innovation Fund Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Solicitation for Grant Applications (SGA).

Funding Opportunity Number: SGA/DFA PY 13–06.

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor, announces the availability of up to $53 million in grant funds to be awarded under the Workforce Innovation Fund (WIF) grant program and anticipates awarding between 8–15 grants. These funds support innovative approaches that generate long-term improvements in the performance of the public workforce system, outcomes for job seekers and employers, and cost-effectiveness. All projects funded under the WIF will be rigorously evaluated in order to build a body of knowledge about what works in workforce development.

The complete SGA and any subsequent SGA amendments in connection with this solicitation are described in further detail on ETA's Web site at *http://www.doleta.gov/grants/* or on *http://www.grants.gov.* The Web sites provide application information, eligibility requirements, review and selection procedures, and other program requirements governing this solicitation.

DATES: The closing date for receipt of applications under this announcement is June 18, 2014. Applications must be received no later than 4:00:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT: Jeannette Flowers, 200 Constitution Avenue NW., Room N–4716, Washington, DC 20210; Email: *Flowers.Jeannette@dol.gov.*

Signed May 14, 2014 in Washington, DC.

Donna Kelly,

Grant Officer, Employment and Training Administration.

[FR Doc. 2014–11778 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–81,608]

Pentair Pump Group, Inc.; Including Workers Paid Through Pentair Flow Technologies and Including On-Site Leased Workers From Spherion; Ashland, Ohio; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on May 26, 2012, applicable to workers Pentair Pump Group, Inc., including on-site leased workers from Spherion, Ashland, Ohio. The Department's notice of determination was published in the **Federal Register** on June 6, 2012 (77 FR 33495).

The Department reviewed the certification for workers of the subject firm. The workers are engaged in activities related to production of pumps, pump components and reciprocating pumps.

A review by the Department revealed that workers are paid through Pentair Flow Technologies. The intent of the Department is to cover all workers of Pentair Pump Group, including workers paid through Pentair Flow Technologies, and including on-site leased workers from Spherion, who were affected by a shift in production to a foreign country.

The amended notice applicable to TA–W–81,608 is hereby issued as follows:

All workers of Pentair Pump Group, Inc., including workers paid through Pentair Flow Technologies, and including on-site leased workers from Spherion, Ashland, Ohio, who became totally or partially separated from employment on or after May 26, 2012 through May 24, 2014 and all workers in the group threatened with total or partial separation from employment on the date of certification through May 24, 2014, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 29th day of April, 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11636 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,993]

Welch Allyn; Including On-Site Leased Workers From Kelly Services and Ajilon/Modis; Beaverton, Oregon; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on October 31, 2013, applicable to workers of Welch Allyn, including on-site leased workers from Kelly Services, Beaverton, Oregon (TA–W–82,993) and Welch Allyn, Manufacturing Division, including on-site leased workers from Kelly Services, Skaneateles Falls, New York (TA–W–82,993A). The Department's notice of determination was published in the **Federal Register** on November 21, 2013 (78 FR 69880).

At the request of the state workforce office, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of medical monitoring equipment.

The investigation confirms that workers of Ajilon/Modis were sufficiently under the operational control of the firm to be considered leased workers. The intent of the Department is to certify all workers of the firm who were affected by the shift in production to a foreign country.

Based on these findings, the Department is amending this certification to include on-site leased workers of Ajilon/Modis.

The amended notice applicable to TA–W–82,993 is hereby issued as follows:

All workers of Welch Allyn, including on-site leased workers from Kelly Services and Ajilon/Modis, Beaverton, Oregon (TA–W–82,993) and Welch Allyn, Manufacturing Division, including on-site leased workers from Kelly Services, Skaneateles Falls, New York (TA–W–82,993A), who became totally or partially separated from employment on or after August 14, 2012 through October 31, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through October 31, 2015, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 1st day of May, 2014.

Michael W. Jaffe.

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11638 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,292]

Advanced Monolythic Ceramics, Inc.; a Division of Johanson Corporation; Including On-Site Leased Workers From Adecco Staffing Olean, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on February 7, 2014, applicable to workers of Advanced Monolythic Ceramics, Inc., a division of Johanson Corporation, Olean, New York. The Department's notice of determination was published in the **Federal Register** on February 24, 2014 (79 FR 10189).

At the request of an American Job Center, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the production of ceramic filters and capacitors.

The company reports that workers leased from Adecco Staffing were employed on-site at the Olean, New York location of Advanced Monolythic Ceramics, Inc., a division of Johanson Corporation. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Adecco Staffing working on-site at the Olean, New York location of Advanced Monolythic Ceramics, Inc., a division of Johanson Corporation.

The amended notice applicable to TA–W–83,292 is hereby issued as follows:

All workers of Adecco Staffing, reporting to Advanced Monolythic Ceramics, Inc., a division of Johanson Corporation, Olean, New York, who became totally or partially separated from employment on or after December 12, 2013 through February 7, 2016, and all workers in the group threatened with

total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 5th day of May, 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11641 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–83,047; TA–W–83,047A]

Mt. Ida Footwear Co.; a Subsidiary of Munro & Company, Inc.; Mount Ida, Arkansas; Munro & Company, Inc. Hot Springs, Arkansas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 17, 2013, applicable to workers of Mt. Ida Footwear Co., a subsidiary of Munro & Company, Inc., Mount Ida, Arkansas. The Department's notice of determination was published in the **Federal Register** on October 24, 2013 (78 FR 63496).

At the request of the state workforce office, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of women's shoes.

The investigation confirms that workers located at Munro & Company, Inc., Hot Springs, Arkansas also experienced separations due an acquisition of articles from a foreign country.

Based on these findings, the Department is amending this certification to include workers of Munro & Company, Inc., Hot Springs, Arkansas.

The amended notice applicable to TA–W–83,047 is hereby issued as follows:

All workers of Mt. Ida Footwear Co., a subsidiary of Munro & Company, Inc., Mt. Ida, Arkansas (TA–W–83,047), and Munro & Company, Inc., Hot Springs, Arkansas (TA–W–83,047A), who became totally or partially separated from employment on or after August 30, 2012, through September 17, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through September 17, 2015, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 29th day of April, 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11639 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *April 28, 2014 through May 2, 2014.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who

received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
83,184	Redflex Traffic Systems, Inc., Engineering Department, North American Division.	Phoenix, AZ	October 29, 2012.
83,260	Spellman High Voltage Electronics Corporation, Gotham Personnel, Nationwide Staffing, and Greystone Staffing.	Hauppauge, NY	December 3, 2012.
83,260A	Spellman High Voltage Electronics Corporation, Strikeforces	Bohemia, NY	December 3, 2012.
83,309	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Irwindale, CA	December 18, 2012.
83,309A	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Rosemead, CA	December 18, 2012.
83,309AA	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Victorville, CA	December 18, 2012.
83,309B	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Irvine, CA	December 18, 2012.
83,309BB	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Boulder City, NV	December 18, 2012.
83,309C	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Alhambra, CA	December 18, 2012.
83,309D	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Rancho Cucamonga, CA	December 18, 2012.
83,309E	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Fullerton, CA	December 18, 2012.
83,309F	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	San Clemente, CA	December 18, 2012.
83,309G	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Pomona, CA	December 18, 2012.
83,309H	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	La Palma, CA	December 18, 2012.
83,309I	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Westminster, CA	December 18, 2012.
83,309J	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Norwalk, CA	December 18, 2012.
83,309K	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	San Dimas, CA	December 18, 2012.
83,309L	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Compton, CA	December 18, 2012.
83,309M	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Rialto, CA	December 18, 2012.
83,309N	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Fontana, CA	December 18, 2012.
83,309O	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Long Beach, CA	December 18, 2012.
83,309P	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Ontario, CA	December 18, 2012.

TA–W No.	Subject firm	Location	Impact date
83,309Q	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Thousand Oaks, CA	December 18, 2012.
83,309R	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Big Creek, CA	December 18, 2012.
83,309S	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Bishop, CA	December 18, 2012.
83,309T	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Hesperia, CA	December 18, 2012.
83,309U	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Bakersfield, CA	December 18, 2012.
83,309V	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Romoland, CA	December 18, 2012.
83,309W	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Cathedral City, CA	December 18, 2012.
83,309X	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Santa Clarita, CA	December 18, 2012.
83,309Y	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Tulare, CA	December 18, 2012.
83,309Z	Southern California Edison, Edison Internation, IT Department, Infosys, Igate/Patni, Cognizant, etc..	Ventura, CA	December 18, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
83,073	TPOP, Inc., DBA Vassar Foundry, FKA Metavation, LLC, Revstone Transportation Group.	Vassar, MI	

I hereby certify that the aforementioned determinations were issued during the period of *April 28, 2014 through May 2, 2014.* These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 8th day of May 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11645 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 2014.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 2014.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of May 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[18 TAA petitions instituted between 4/28/14 and 5/2/14]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85265	NCI Fort Wayne, LLC (Company)	Fort Wayne, IN	04/28/14	04/25/14
85266	Midwest Tool & Die Corp. (Company)	Fort Wayne, IN	04/28/14	04/25/14
85267	Support.com (State/One-Stop)	Redwood City, CA	04/28/14	04/18/14
85268	LexisNexis (Company)	Miamisburg, OH	04/28/14	04/25/14
85269	International Flight Training Academy (Workers)	Bakersfield, CA	04/29/14	04/04/14
85270	Honeywell International (Workers)	Phoenix, AZ	04/29/14	04/28/14
85271	Sanofi Pharmaceuticals (Company)	Kansas City, MO	04/29/14	04/28/14
85272	CES Group DBA: Mammoth, Inc. (Company)	Holland, MI	04/29/14	04/28/14
85273	Destination Rewards (State/One-Stop)	Boca Raton, FL	04/29/14	04/16/14
85274	Eternal Fortune Fashion LLC (State/One-Stop)	New York, NY	04/30/14	04/29/14
85275	Northland Tackle (State/One-Stop)	Ranier, MN	04/30/14	04/29/14
85276	Wiley (Company)	Indianapolis, IN	04/30/14	04/29/14
85277	Dentsu Aegis Network (Workers)	Boston, MA	05/01/14	04/08/14
85278	Swan Dyeing and Finishing Corp. (Union)	Fall River, MA	05/01/14	04/30/14
85279	Kaman Music Corp (KMC Music, Inc) (State/One-Stop)	New Hartford, CT	05/01/14	04/30/14
85280	ClearEdge Power (State/One-Stop)	South Windsor, CT	05/02/14	05/01/14
85281	John Wiley and Sons, Inc. (Company)	Hoboken, NJ	05/02/14	05/01/14
85282	Standard Register Co. (State/One-Stop)	Salisbury, MD	05/02/14	05/01/14

[FR Doc. 2014–11643 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *April 28, 2014 through May 2, 2014.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either-

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment

Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

85,118, Cameron International Corporation, Buffalo, New York. March 4, 2013.

85,146, KEE Action Sports LLC, Clearwater, Florida. March 13, 2013.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,157, TT Electronics LLC, Smithfield, North Carolina. March 18, 2013.

85,171, Rosboro, LLC., Springfield, Oregon. March 22, 2013.

85,191, Soy Basics, LLC., New Hampton, Iowa. March 31, 2013.

85,204, Avalon Laboratories LLC, Rancho Dominguez, California, January 28, 2014.

85,210, Voith Hydro, Inc., York, Pennsylvania. April 4, 2013.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

85,118, Cameron International Corporation, Buffalo, New York. March 4, 2013.

85,146, KEE Action Sports LLC, Clearwater, Florida. March 13, 2013.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

85,012, SANYO Solar (USA) LLC, Carson, California.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,077, Caterpillar, Inc., Pulaski, Virginia.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,173, Xerox State and Local Solutions, Inc., Waite Park, Minnesota.

85,217, JP Morgan Chase and Company, Florence, South Carolina.

85,241, Institute Career Development, Merrillville, Indiana.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,143, Fives Giddings & Lewis, LLC, Fond Du Lac, Wisconsin.

85,179, Fifty Third Bancorp, Cincinnati, Ohio.

The following determinations terminating investigations were issued in cases where these petitions were not filed in accordance with the requirements of 29 CFR 90.11. Every petition filed by workers must be signed by at least three individuals of the petitioning worker group. Petitioners separated more than one year prior to the date of the petition cannot be covered under a certification of a petition under Section 223(b), and therefore, may not be part of a petitioning worker group. For one or more of these reasons, these petitions were deemed invalid.

85,207, Lifetouch Inc., Eden Prairie, Minnesota.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,142, JP Morgan Chase and Company, Florence, South Carolina.

85,164, JP Morgan Chase and Company, Florence, South Carolina.

85,201, JP Morgan Chase and Company, Florence, South Carolina.

85,202, JP Morgan Chase and Company, Florence, South Carolina.

The following determinations terminating investigations were issued because the petitions are the subject of ongoing investigations under petitions filed earlier covering the same petitioners.

85,255, Citigroup, Tampa, Florida.

I hereby certify that the aforementioned determinations were issued during the period of *April 28, 2014 through May 2, 2014.* These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 8th day of May 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–11644 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation; Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden,

conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Miner's Claim for Benefits under the Black Lung Benefit's Act (CM–911) and Employment History (CM–911A). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before July 21, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *Ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background: The Division of Coal Mine Workers' Compensation administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*) which provides benefits to coal miners totally disabled due to pneumoniosis, and their surviving dependents. A miner who applies for black lung benefits must complete the CM–911 (application form). The completed form gives basic identifying information about the applicant and is the beginning of the development of the black lung claim. The applicant must complete a CM–911a at the same time the black lung application form is submitted. This form when completed renders a complete history of employment and helps to establish if the miner currently or formerly worked in the nation's coal mines. The person filing for benefits must have worked in the nation's coal mines or be a survivor of a coal miner as described under Title IV of the Federal Mine Safety and Health Act of 1977, as amended, in order for benefits to be pursued. This information collection is currently approved for use through October 31, 2014.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Miner's Claim for Benefits under the Black Lung Benefit's Act (CM–911) and Employment History (CM–911A).

OMB Number: 1240–0038.

Agency Number: CM–911 and CM–911A.

Affected Public: Individuals or households.

Form	Time to complete	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–911	45	once	5,000	5,000	3,750
CM–911A	40	once	6,000	6,000	4,000
Totals			11,000	11,000	7,750

Total Respondents: 11,000.

Total Annual Responses: 11,000.

Average Time per Response: 42 minutes.

Estimated Total Burden Hours: 7,750.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $2,058.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 14, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2014–11813 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Representative Payee Report (CM–623), Representative

Payee Report, Short Form (CM–623S) and Physician's/Medical Officer's Statement (CM–787). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before July 21, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *Ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Division of Coal Mine Workers' Compensation administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*) which provides benefits to coal miners totally disabled due to pneumoniosis, and their surviving dependents. The CM–623, Representative Payee Report is used to collect expenditure data regarding the disbursement of the beneficiary's benefits by the representative payee to assure that the beneficiary's needs are being met. The CM–623S, Representative Payee—Short Form, is a shortened version of the CM–623 that is used when the representative payee is a family member residing with the beneficiary. The CM–787, Physician's/Medical Officer's Statement is used to gather information from the beneficiary's physician about the capability of the beneficiary to manage monthly benefits. This form is used by OWCP to determine if it is in the beneficiary's best interest to have his/her benefits managed by another party. The regulatory authority for collecting this information is in 20 CFR 725.506, 510, 511, and 513. This information collection is currently approved for use through October 31, 2014.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to administer the Black Lung Benefits Act.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Representative Payee Report (CM–623), Representative Payee Report, Short Form (CM–623S) and Physician's/Medical Officer's Statement (CM–787).

OMB Number: 1240–0020.

Agency Number: CM–623, CM–623S and CM–787.

Affected Public: Individuals or households, business or other for-profit and not-for-profit institutions.

Form	Time to complete	Frequency of response	Number of respondents	Number of responses	Hours burden
CM–623	90	Annually	900	900	1,350
CM–623S	10	Annually	100	100	17
CM–787	15	Once	1,100	1,100	275
Totals			2,100	2,100	1642

Total Respondents: 2,100.

Total Annual Responses: 2,100.

Average Time per Response: 46.9 minutes.

Estimated Total Burden Hours: 1,642.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 14, 2014.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2014–11814 Filed 5–20–14; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 et seq.), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection. The NSF will publish periodic summaries of the proposed projects.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Foundation, including whether the information will have practical utility; (b) the accuracy of the Foundation's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments on this notice must be received by July 21, 2014, to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265,

Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Survey of Graduate Students and Postdoctorates in Science and Engineering.

OMB Approval Number: 3145–0062.

Expiration Date of Current Approval: October 31, 2014.

Type of Request: Intent to seek approval to renew an information collection for three years.

1. Abstract

The Survey of Graduate Students and Postdoctorates in Science and Engineering (GSS) is sponsored by the National Science Foundation and the National Institutes of Health. The GSS originated in 1966 and has been conducted annually since 1972. The GSS is a census of all departments in science, engineering and health fields within academic institutions with post-baccalaureate programs in the United States. The total number of respondents in 2014 survey is estimated to be 13,774 departments (reporting units) located in about 670 degree-granting institutions. The GSS is the only national survey that collects information on the characteristics of graduate enrollment for specific science, engineering and health disciplines at the department level. It also collects information on race and ethnicity, citizenship, gender, sources of support, mechanisms of support, and enrollment status for graduate students; information on postdoctoral appointments (postdocs) by citizenship, sex, sources of support, type and origin of doctoral degree; and information on other doctorate-holding non-faculty researchers. To improve coverage of postdocs, the GSS will collect information on the race and ethnicity, sex, citizenship, source of support, field of research for the postdocs employed in Federally Funded Research and Development Centers (FFRDCs) in 2015.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The GSS is designed to comply with these mandates by providing information on the characteristics of academic graduate enrollment and postdoctoral components in science, engineering and health fields.

The GSS data are routinely provided to Congress and other Federal agencies. The GSS institutions are major users of the GSS data along with professional societies such American Association of Universities, Association of American Medical Colleges, and the Carnegie Foundation. Graduate enrollment and postdoc data are often used in reports by the national media.

The GSS (along with other academic sector surveys from both NSF and the National Center for Education Statistics) is one of the inputs into the WebCASPAR data system, which provides access to science and engineering statistical data from U.S. academic institutions. Among other uses, this NSF on-line database is used by NSF to review changing enrollment levels to assess the effects of NSF initiatives, to track student support patterns and to analyze participation in S&E fields by targeted groups for all disciplines or for selected disciplines and for selected groups of institutions.

The Foundation also uses the GSS information to prepare congressionally mandated reports such as Women, Minorities and Persons with Disabilities in Science and Engineering and Science and Engineering Indicators. A public use file is also made available on the world-wide Web.

Data are obtained by a Web survey and starts each fall in mid-October. The data are solicited under the authority of the National Science Foundation Act of 1950, as amended. All information will be used for statistical purposes only. Participation in the survey is voluntary.

2. Expected Respondents

The GSS is a census of all eligible academic institutions in the U.S. with post-baccalaureate programs in science, engineering and health fields and their related departments. The response rate is based on the number of departments that respond to the survey.

3. Estimate of Burden

The initial GSS data request is sent to a designated respondent (School Coordinator) at each academic institution in the fall. The School Coordinator may complete or delegate the collection of the list of eligible units (departments, programs, research centers and health care facilities) and of the aggregate counts of graduate students enrolled or postdocs employed in each unit by various characteristics. The amount of time it takes to complete the GSS data (unit lists and counts of graduate students and postdocs) varies dramatically and depends to a large degree on the extent to which the school's records are centrally stored and computerized.

The 2013 GSS asked the unit respondents to provide an estimate of the time spent in providing the GSS data. The average burden for completing the GSS was 2.6 hours per reporting unit, which includes providing unit listing and aggregate counts. Based on prior experience, the estimate of the per unit burden will decrease slightly each year as the respondents become familiar with the question items in the survey, thus we estimate a burden of 2.6 hours per reporting unit in 2014, and a burden of 2.5 hours per reporting unit in 2015 and 2016. The number of units in the subsequent survey cycle will include the units in the previous year plus approximately an additional 1% increase in units. The estimated burden estimates for 2014 GSS is 36,171 hours from 13,912 units; 35,268 hours from 14,091 units (including 40 FFRDCs) for 2015; and 35,481 hours from 14,192 units for 2016. The average estimated burden for each cycle of GSS is about 35,760 hours. The total estimated respondent burden of the GSS, including 360 hours for the methodological testing, would be 107,280 hours over the 3-year clearance period.

Dated: May 15, 2014.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2014–11697 Filed 5–20–14; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–339; NRC–2014–0121]

North Anna Power Station, Unit 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw its September 10, 2013, application for proposed amendment to Facility Operating License No. NPF–7 for the North Anna Power Station, Unit 2, located in Mineral, Virginia.

ADDRESSES: Please refer to Docket ID NRC–2014–0121 when contacting the NRC about the availability of

information regarding this document. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0121. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The application for the proposed amendment request is available in ADAMS under Accession No. ML13260A256.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: V. Sreenivas, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–2597; email: *V.Sreenivas@nrc.gov.*

SUPPLEMENTARY INFORMATION: The proposed license amendment (ADAMS Accession No. ML13260A256) requests the changes to the Technical Specification (TS) 3.8.1, ''AC Sources—Operating.'' TS 3.8.1 contains Surveillance Requirement (SR) 3.8.1.8, which requires verification of the capability to manually transfer Unit 1 4.16 kV ESF bus AC power sources from the normal offsite circuit to the alternate required offsite circuit and this surveillance is only applicable to Unit 1. Dominion is developing a plant modification to install an alternate offsite power feed to each of the two 4.16 kV ESF buses for Unit 2, such that it will be similar to the Unit 1 design. Therefore, the proposed change would delete Note 1 to SR 3.8.1.8 to remove the limitation that excludes Unit 2 and will be consistent with the verification currently performed for Unit 1.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** dated October 29, 2013 (78 FR 64547). However, by letter dated April 16, 2014, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated September 10, 2013 (ADAMS Accession No. ML13260A256) and the licensee's letter dated April 16, 2014, which withdrew the application for license amendment (ADAMS Accession No. ML14112A076).

Dated at Rockville, Maryland, this 9th day of May, 2014.

For the Nuclear Regulatory Commission.

V. Sreenivas,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2014–11775 Filed 5–20–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees' Retirement System; Present Value Factors

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of adjusted present value factors applicable to retirees who elect to provide survivor annuity benefits to a spouse based on post-retirement marriage, and to retiring employees who elect the alternative form of annuity or elect to credit certain service with nonappropriated fund instrumentalities. This notice is necessary to conform the present value factors to changes in the economic and demographic assumptions adopted by the Board of Actuaries of the Civil Service Retirement System.

DATES: The revised present value factors apply to survivor reductions or employee annuities that commence on or after October 1, 2014.

ADDRESSES: Send requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Planning and Policy Analysis, Office of Personnel Management, Room 4307, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: Several provisions of the Federal Employees' Retirement System (FERS) require reduction of annuities on an actuarial basis. Under each of these provisions, OPM is required to issue regulations on the method of determining the reduction to ensure that the present value of the reduced annuity plus a lump-sum equals, to the extent practicable, the present value of the unreduced benefit. The regulations for each of these benefits provide that OPM will publish a notice in the **Federal Register** whenever it changes the factors used to compute the present values of these benefits.

Section 842.706(a) of title 5, Code of Federal Regulations, prescribes the method for computing the reduction in the beginning rate of annuity payable to a retiree who elects an alternative form of annuity under 5 U.S.C. 8420a. That reduction is required to produce an annuity that is the actuarial equivalent of the annuity of a retiree who does not elect an alternative form of annuity. The present value factors listed below are used to compute the annuity reduction under 5 CFR 842.706(a).

Section 842.615 of title 5, Code of Federal Regulations, prescribes the use of these factors for computing the reduction required for certain elections to provide survivor annuity benefits based on a post-retirement marriage or divorce under 5 U.S.C. 8416(b), 8416(c), or 8417(b). Under section 11004 of the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, 107 Stat. 312, effective October 1, 1993, OPM ceased collection of these survivor election deposits by means of either a lump-sum payment or installments. Instead, OPM is required to establish a permanent actuarial reduction in the annuity of the retiree. This means that OPM must take the amount of the deposit computed under the old law and translate it into a lifetime reduction in the retiree's benefit. The reduction is based on actuarial tables, similar to those used for alternative forms of annuity under section 8420a of title 5, United States Code.

Subpart F of part 847 of title 5, Code of Federal Regulations, prescribes the use of present value factors for computing the deficiency the retiree must pay to receive credit for certain service with nonappropriated fund instrumentalities made creditable by an election under section 1043 of Public Law 104–106, 110 Stat. 186.

OPM published the present value factors currently in effect on June 3, 2011, at 76 FR 32243 and on May 21, 2014, OPM published a notice to revise the normal cost percentage under the

Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, 100 Stat. 514, based on changed economic assumptions and demographic assumptions adopted by the Board of Actuaries of the Civil Service Retirement System. Under 5 U.S.C. 8461(i), those changes require corresponding changes in the present value factors used to produce actuarially equivalent benefits when required by the FERS Act. The revised factors will become effective on October 1, 2014, to correspond with the changes in FERS normal cost percentages. For alternative forms of annuity, the new factors will apply to annuities that commence on or after October 1, 2014. See 5 CFR 842.706. For survivor election deposits, the new factors will apply to survivor reductions that commence on or after October 1, 2014. See 5 CFR 842.615(b). For obtaining credit for service with certain nonappropriated fund instrumentalities, the new factors will apply to cases in which the date of computation under 5 CFR 847.603 is on or after October 1, 2014. See 5 CFR 847.602(c) and 847.603.

OPM is, therefore, revising the tables of present value factors to read as follows:

TABLE I—FERS PRESENT VALUE FACTORS FOR AGES 62 AND OLDER

[Applicable to annuity payable following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), or 8420a, or under section 1043 of Pub. L. 104–106]

Age	Present value factor
62	198.9
63	193.3
64	187.7
65	182.0
66	176.2
67	170.3
68	164.4
69	158.4
70	152.4
71	146.3
72	140.3
73	134.2
74	128.1
75	122.1
76	116.2
77	110.4
78	104.7
79	99.1
80	93.6
81	88.3
82	83.1
83	78.2
84	73.4
85	68.7
86	64.3
87	60.0
88	55.9
89	52.0
90	48.4

TABLE I—FERS PRESENT VALUE FACTORS FOR AGES 62 AND OLDER—Continued

[Applicable to annuity payable following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), or 8420a, or under section 1043 of Pub. L. 104–106]

Age	Present value factor
91	45.0
92	41.8
93	38.9
94	36.3
95	34.0
96	31.9
97	30.0
98	28.3
99	26.7
100	25.2
101	23.9
102	22.6
103	21.5
104	20.7
105	20.1
106	19.2
107	17.7
108	14.8
109	9.5

TABLE II.A—FERS PRESENT VALUE FACTORS FOR AGES 40 THROUGH 61

[Applicable to annuity payable when annuity is not increased by cost-of-living adjustments before age 62 following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), or 8420a, or under section 1043 of Pub. L. 104–106]

Age	Present value factor
40	214.6
41	214.2
42	213.9
43	213.4
44	213.0
45	212.5
46	211.9
47	211.3
48	210.7
49	209.9
50	209.2
51	208.4
52	207.7
53	206.9
54	206.1
55	205.3
56	204.4
57	203.5
58	202.6
59	201.7
60	200.7
61	199.8

TABLE II.B—FERS PRESENT VALUE FACTORS FOR AGES 40 THROUGH 61

[Applicable to annuity payable when annuity is increased by cost-of-living adjustments before age 62 following an election under 5 U.S.C. 8416(b), 8416(c), 8417(b), or 8420a, or under section 1043 of Pub. L. 104–106]

Age	Present value factor
40	291.8
41	288.8
42	285.7
43	282.5
44	279.2
45	275.8
46	272.2
47	268.5
48	264.6
49	260.6
50	256.5
51	252.3
52	248.1
53	243.7
54	239.2
55	234.6
56	229.8
57	225.0
58	220.0
59	214.9
60	209.6
61	204.3

TABLE III—FERS PRESENT VALUE FACTORS FOR AGES AT CALCULATION BELOW 40

[Applicable to annuity payable following an election under section 1043 of Public Law 104–106]

Age at calculation	Present value of a monthly annuity
17	342.7
18	341.0
19	339.3
20	337.5
21	335.7
22	333.9
23	332.0
24	330.1
25	328.1
26	326.1
27	324.0
28	321.9
29	319.7
30	317.5
31	315.2
32	312.9
33	310.5
34	308.0
35	305.5
36	302.9
37	300.2
38	297.5
39	294.7

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–11756 Filed 5–20–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees' Retirement System; Normal Cost Percentages

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of revised normal cost percentages for employees covered by the Federal Employees' Retirement System (FERS) Act of 1986.

DATES: The revised normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2014. Agency appeals of the normal cost percentages must be filed no later than November 21, 2014.

ADDRESSES: Send or deliver agency appeals of the normal cost percentages and requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Planning and Policy Analysis, Office of Personnel Management, Room 4307, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Pub. L. 99–335, created a new retirement system intended to cover most Federal employees hired after 1983. Most Federal employees hired before 1984 are under the older Civil Service Retirement System (CSRS). Section 8423 of title 5, United States Code, as added by the FERS Act of 1986, provides for the payment of the Government's share of the cost of the retirement system under FERS. Employees' contributions are established by law and constitute only a portion of the cost of funding the retirement system; employing agencies are required to pay the remaining costs. The amount of funding required, known as ''normal cost,'' is the entry age normal cost of the provisions of FERS that relate to the Civil Service Retirement and Disability Fund (Fund). The normal cost must be computed by OPM in accordance with generally accepted actuarial practices and standards (using dynamic assumptions). Subpart D of part 841 of title 5, Code of Federal Regulations, regulates how normal costs are determined.

In its meeting on July 13, 2012, the Board of Actuaries of the Civil Service Retirement System (the Board) reviewed statistical data prepared by the OPM actuaries and considered trends that may affect future experience under FERS. The Board recommended changes to certain economic assumptions and also changes to the demographic assumptions used in the actuarial valuations of FERS. OPM has adopted the Board's recommendations.

With regard to the economic assumptions described under section 841.402 of title 5, Code of Federal Regulations, used in the actuarial valuations of FERS, the Board concluded that it would be appropriate to assume a rate of investment return of 5.25 percent, a reduction of 0.50 percent from the existing rate of 5.75 percent. In addition, the Board determined that the assumed inflation rate should remain at 3.00 percent and that the projected rate of General Schedule salary increases should be reduced 0.50 percent from 3.75 percent to 3.25 percent. These salary increases are in addition to assumed within-grade increases. The Board's recommendation adjusts the nominal rates to balance long-term expectations with recent experience. The economic assumptions anticipate that, over the long term, the annual rate of investment return will exceed inflation by 2.25 percent and General Schedule salary increases will exceed long-term inflation by 0.25 percent a year, both a decrease of 0.50 percent from the previous assumptions. In addition, the Board also adopted changes to the demographic assumptions listed as factors under section 841.404(a) of title 5, Code of Federal Regulations.

The normal cost calculations depend on economic and demographic assumptions. The demographic assumptions are determined separately for each of a number of special groups, in cases where separate experience data is available. Based on the changed demographic and economic assumptions described above, OPM has determined the normal cost percentage for each category of employees under section 841.403 of title 5, Code of Federal Regulations.

Section 5001 of Public Law 112–96, The Middle Class Tax Relief and Jobs Creation Act of 2012, established provisions for FERS Revised Annuity Employees (FERS–RAE). The law permanently increases the retirement contributions by 2.30 percent of pay for these employees. Separate normal cost rates will apply for FERS–RAE.

The Governmentwide normal cost percentages, including the employee contributions, are as follows:

NORMAL COST PERCENTAGES FOR FERS AND FERS–REVISED ANNUITY EMPLOYEE (RAE) GROUPS

Group	FERS normal cost (percent)	FERS–RAE normal cost (percent)
Members	21.5	14.2
Congressional employees, except members of the Capitol Police	19.7	14.2
Congressional employees who are members of the Capitol Police	19.7	19.7
Law enforcement officers, members of the Supreme Court Police, firefighters, nuclear materials couriers, customs and border protection officers, and employees under section 302 of the Central Intelligence Agency Retirement Act of 1964 for certain employees	30.1	30.1
Air traffic controllers	32.4	32.5
Military reserve technicians	17.7	18.1
Employees under section 303 of the Central Intelligence Agency Retirement Act of 1964 for certain employees (when serving abroad)	19.7	19.9
All other regular FERS employees	14.0	14.2

Under section 841.408 of title 5, Code of Federal Regulations, these normal cost percentages are effective at the beginning of the first pay period commencing on or after October 1, 2014.

The time limit and address for filing agency appeals under sections 841.409 through 841.412 of title 5, Code of Federal Regulations, are stated in the **DATES** and **ADDRESSES** sections of this notice.

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–11771 Filed 5–20–14; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System; Present Value Factors

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) is providing notice of adjusted present value factors applicable to retirees under the Civil Service Retirement System (CSRS) who elect to provide survivor annuity benefits to a spouse based on post-retirement marriage and to retiring employees who elect the alternative form of annuity, owe certain redeposits based on refunds of contributions for service before March 1, 1991, or elect to credit certain service with nonappropriated fund instrumentalities. This notice is necessary to conform the present value factors to changes in the economic and demographic assumptions adopted by the Board of Actuaries of the Civil Service Retirement System.

DATES: *Effective Date:* The revised present value factors apply to survivor reductions or employee annuities that commence on or after October 1, 2014.

ADDRESSES: Send requests for actuarial assumptions and data to the Board of Actuaries, care of Gregory Kissel, Senior Actuary, Office of Planning and Policy Analysis, Office of Personnel Management, Room 4307, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: Several provisions of CSRS require reduction of annuities on an actuarial basis. Under each of these provisions, OPM is required to issue regulations on the method of determining the reduction to ensure that the present value of the reduced annuity plus a lump-sum equals, to the extent practicable, the present value of the unreduced benefit. The regulations for each of these benefits provide that OPM will publish a notice in the **Federal Register** whenever it changes the factors used to compute the present values of these benefits.

Section 831.2205(a) of title 5, Code of Federal Regulations, prescribes the method for computing the reduction in the beginning rate of annuity payable to a retiree who elects an alternative form of annuity under 5 U.S.C. 8343a. That reduction is required to produce an annuity that is the actuarial equivalent of the annuity of a retiree who does not elect an alternative form of annuity. The present value factors listed below are used to compute the annuity reduction under § 831.2205(a) of title 5, Code of Federal Regulations.

Section 831.303(c) of title 5, Code of Federal Regulations, prescribes the use of these factors for computing the reduction to complete payment of certain redeposits of refunded deductions based on periods of service that ended before March 1, 1991, under section 8334(d)(2) of title 5, United States Code; section 1902 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84.

Section 831.663 of Title 5, Code of Federal Regulations, prescribes the use of similar factors for computing the reduction required for certain elections to provide survivor annuity benefits based on a post-retirement marriage under section 8339(j)(5)(C) or (k)(2) of title 5, United States Code. Under section 11004 of the Omnibus Budget Reconciliation Act of 1993, Public Law 103–66, effective October 1, 1993, OPM ceased collection of these survivor election deposits by means of either a lump-sum payment or installments. Instead, OPM is required to establish a permanent actuarial reduction in the annuity of the retiree. This means that OPM must take the amount of the deposit computed under the old law and translate it into a lifetime reduction in the retiree's benefit. The reduction is based on actuarial tables, similar to those used for alternative forms of annuity under section 8343a of title 5, United States Code.

Subpart F of part 847 of title 5, Code of Federal Regulations, prescribes the use of similar factors for computing the deficiency the retiree must pay to receive credit for certain service with nonappropriated fund instrumentalities made creditable by an election under section 1043 of Public Law 104–106.

The present value factors currently in effect were published by OPM (76 FR 32241) on June 3, 2011. On May 21, 2014 OPM published a notice to revise the normal cost percentage under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, based on changed economic assumptions and demographic assumptions adopted by the Board of Actuaries of the CSRS. Those changes require corresponding changes in CSRS normal costs and present value factors used to produce actuarially equivalent benefits when required by the Civil Service Retirement Act. The revised factors will become effective on October 1, 2014, to correspond with the changes in CSRS normal cost percentages. For alternative forms of annuity and redeposits of employee contributions, the new factors will apply to annuities that commence on or after October 1, 2014. See 5 CFR 831.2205 and 831.303(c). For survivor election deposits, the new factors will apply to survivor reductions that commence on or after October 1, 2014. See 5 CFR 831.663(c) and (d). For obtaining credit for service with certain nonappropriated fund instrumentalities, the new factors will apply to cases in which the date of computation under § 847.603 of title 5, Code of Federal Regulations, is on or after October 1, 2014. See 5 CFR 847.602(c) and 847.603.

OPM is, therefore, revising the tables of present value factors to read as follows:

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 8339(J) OR (K) OR SECTION 8343A OF TITLE 5, UNITED STATES CODE, OR UNDER SECTION 1043 OF PUBLIC LAW 104–106 OR FOLLOWING A REDEPOSIT UNDER SECTION 8334(D)(2) OF TITLE 5, UNITED STATES CODE

Age	Present value factor
40	324.2
41	320.4
42	316.4
43	312.4
44	308.2
45	303.8
46	299.4
47	294.7
48	290.0
49	285.0
50	280.0
51	274.9
52	269.7
53	264.5
54	259.1
55	253.6
56	248.0
57	242.3
58	236.5
59	230.5
60	224.4
61	218.3
62	212.1
63	205.8
64	199.4
65	192.9
66	186.4
67	179.9
68	173.3
69	166.7

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 8339(J) OR (K) OR SECTION 8343A OF TITLE 5, UNITED STATES CODE, OR UNDER SECTION 1043 OF PUBLIC LAW 104–106 OR FOLLOWING A REDEPOSIT UNDER SECTION 8334(D)(2) OF TITLE 5, UNITED STATES CODE—Continued

Age	Present value factor
70	160.0
71	153.4
72	146.7
73	140.1
74	133.5
75	127.0
76	120.7
77	114.4
78	108.3
79	102.3
80	96.5
81	90.9
82	85.4
83	80.2
84	75.2
85	70.3
86	65.7
87	61.2
88	56.9
89	52.9
90	49.2
91	45.7
92	42.4
93	39.5
94	36.8
95	34.4
96	32.3
97	30.3
98	28.6
99	26.9
100	25.4
101	24.1
102	22.8
103	21.6
104	20.8
105	20.2
106	19.3
107	17.7
108	14.8
109	9.5

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 1043 OF PUBLIC LAW 104–106

[For ages at calculation below 40]

Age at calculation	Present value of a monthly annuity
17	393.7
18	391.3
19	388.8
20	386.3
21	383.8
22	381.2
23	378.5

CSRS PRESENT VALUE FACTORS APPLICABLE TO ANNUITY PAYABLE FOLLOWING AN ELECTION UNDER SECTION 1043 OF PUBLIC LAW 104–106—Continued

[For ages at calculation below 40]

Age at calculation	Present value of a monthly annuity
24	375.8
25	373.0
26	370.2
27	367.3
28	364.4
29	361.4
30	358.4
31	355.3
32	352.1
33	348.9
34	345.6
35	342.2
36	338.7
37	335.2
38	331.6
39	328.0

U.S. Office of Personnel Management.

Katherine Archuleta,

Director.

[FR Doc. 2014–11762 Filed 5–20–14; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72173; File No. 811–02815]

Copley Fund, Inc.; Notice of Application

May 15, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for exemptive relief.

SUMMARY OF APPLICATION: Applicant requests an order exempting it from rule 22c–1 under the Investment Company Act of 1940 (''Company Act'') and rule 4–01(a)(1) of Regulation S–X.

APPLICANT: Copley Fund, Inc. (''Copley'' or ''Fund'').

FILING DATE: The application (together with the exhibits, the ''Application'') was filed on September 4, 2013.

HEARING OR NOTIFICATION OF HEARING: Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 9, 2014, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary. Absent a request for a hearing that is granted by the Commission, the Commission intends to issue an order under the Company Act denying the Application.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicant, 5348 Vegas Drive, Suite 391, Las Vegas, Nevada 89108.

FOR FURTHER INFORMATION CONTACT: David Joire, Senior Counsel, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825, Division of Investment Management, Chief Counsel's Office.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site at *http://www.sec.gov/rules/other.shtml* or by calling (202) 551–8090.

I. Background

A. The Applicant

1. Copley is a Nevada corporation registered under the Company Act as an open-end management investment company (''open-end fund'') that issues redeemable securities.[1] Copley has been operating since 1978 and invests primarily in U.S. equity securities. The Application states that Copley's ''stated investment objective is the generation and accumulation of dividend income'' and ''[i]ts secondary objective is 'long-term capital appreciation.''' The Application also states that ''[k]ey to the Fund's investment objective is its strategy, contrary to most other [open-end] funds, of not distributing dividends and capital gains to shareholders but rather accumulating them within the Fund.''

[1] Section 4(3) of the Company Act defines a ''management company'' as any investment company other than a face-amount certificate company or a unit investment trust. Section 5(a)(1) of the Company Act defines an ''open-end company'' as a management company which is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Company Act defines ''redeemable security'' to mean any security, other than short term paper, under the terms of which the holder, upon presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

B. Copley's Status Under the Internal Revenue Code (''Code'')

2. Virtually all open-end funds take advantage of special provisions in the Code, known as Subchapter M, that enable them to avoid a layer of tax at the corporate, *i.e.,* fund, level.[2] Under Subchapter M, an open-end fund that elects status as a ''regulated investment company'' (''RIC'') and meets certain requirements, one of which is to distribute at least 90% of investment company taxable income, in any taxable year, does not pay federal taxes at the fund level.[3]

3. Copley has never availed itself of RIC status under the Code, so that, according to the Application, its shareholders ''are able to defer dividend and capital gains taxes [at the shareholder level] until redemption.'' Copley instead has elected to be treated as a ''C Corporation'' under the Code and thus is subject to federal taxation at the fund level.[4] A shareholder of Copley, therefore, is subject to two layers of tax—once (indirectly) at the fund level and again (directly) at the shareholder level.[5] Copley has significant unrealized gains in its portfolio and a federal income tax liability (''federal income tax liability'') would arise if those gains were realized by the Fund (*i.e.,* if Copley were to sell any of its portfolio securities that had appreciated in value since the Fund acquired them).

II. The Application

4. The Application concerns the provision that Copley should make for its federal income tax liability for purposes of (i) calculating the current net asset value on which the price of Copley's redeemable securities must be based under rule 22c–1 under the Company Act, and (ii) preparing Copley's financial statements filed with the Commission as required by the Company Act. Copley currently makes a provision for federal income taxes for both purposes in the full amount of federal income tax that would be due if the full amount of Copley's existing unrealized gains were realized. Copley's current provision for federal income taxes is consistent with generally accepted accounting principles (''GAAP'').[6]

5. The Application requests an exemption from rule 22c–1 under the Company Act and rule 4–0l(a)(l) of Regulation S–X so that Copley could estimate a provision for federal income tax liability for both purposes using one of two formulas developed by Copley and described in the Application (together, the ''Proposed Method'').[7] The Proposed Method would result in a provision for Copley's federal income tax liability that is less than the full amount of federal income tax that would be due if the full amount of Copley's existing unrealized gains were realized,[8] and thus is inconsistent with GAAP. In support of its request for exemptions, the Application argues that ''the entire [federal income tax liability] would be due only in the unlikely event the entire portfolio were liquidated.'' The Application further argues that the ''use of the full liquidation value method has produced a skewed and unreasonable result—Copley's per share [net asset value] does not reflect the realistic value of the Fund,'' and that using the Proposed Method would ''fairly and accurately [reflect] a realistic tax liability.''

III. Legal Analysis

A. Rules 22c–1 and 2a–4 Under the Company Act

6. As an open-end fund, Copley issues redeemable securities under the terms of which all of the holders, upon presentation to Copley or to a person designated by Copley, are entitled to receive approximately their proportionate share of Copley's current net assets or the cash equivalent thereof.[9] Rule 22c–1 under the Company Act states, in relevant part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the ''current net asset value'' of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Company Act defines the term ''current net asset value'' for use in computing periodically the price of a fund's shares to mean one determined substantially in accordance with the provisions of the rule. Rule 2a–4(a)(4) provides, in relevant part, that in determining the current net asset value, ''[a]ppropriate provision shall be made for Federal income taxes if required [by the open-end fund].'' An open-end fund that has elected RIC status under the Code generally would not need to make a ''provision . . . for Federal income taxes'' under rule 2a–4(a)(4), because it would not be subject to federal taxation at the fund level.[10] In contrast, Copley, which has chosen to be a C Corporation and thus is subject to federal taxation at the fund level, must make an ''appropriate provision . . . for Federal

[2] *See* sections 851–855 and 860 of the Code.

[3] *Id.*

[4] *See* section 11 of the Code.

[5] A shareholder of a RIC and a shareholder of an open-end fund that is a C Corporation pay taxes at the shareholder level on any distributions from the fund and on any capital gains on the fund shares that they redeem. The Application states that Copley does not make any distributions to its shareholders.

[6] Specifically, Financial Accounting Standards Board (''FASB'') Accounting Standards Codification Topic 740, *Income Taxes* (''ASC 740'') indicates that financial statements should reflect deferred tax liabilities and assets for the future tax consequences of events that have been recognized in an entity's financial statements or tax returns. FASB ASC 740–10–10–1(b). ASC 740 incorporates an assumption that the assets and liabilities of an entity will be recovered and settled at their carrying amounts for financial statement reporting purposes, which may be different from their carrying amounts for income tax purposes. Differences between book and tax carrying amounts that are caused by differences in the timing of recognition of transactions or events for financial reporting versus income tax purposes are referred to as temporary differences. *See* FASB ASC 740–10–25–20. ASC 740 provides examples of such differences. Revenues or gains that are taxable after they are recognized as income for financial reporting purposes are included as an example of a temporary difference. *See* FASB ASC 740–10–25–20(a). Unrealized gains on investments, which are taxable after they are recognized in the financial statements (i.e., they are generally taxable only when the investments are sold), represent a temporary difference on which a deferred tax liability must be recognized; the recognized deferred tax liability is calculated by multiplying the temporary difference (*i.e.,* the unrealized gains) by the expected tax rate at the expected time of reversal. *See generally* FASB ASC 740–10–10–3 (indicating that the objective is to measure a deferred tax liability using the enacted tax rate expected to apply to taxable income in the periods in which the deferred tax liability is expected to be settled).

[7] One of the formulas would be based on a quarterly calculation of Copley's historical portfolio turnover rate over the past five or ten years. The alternative formula would be based on the highest daily redemptions of Fund shares during the previous five years.

[8] The Application includes an extensive discussion of Copley's use, for a period of time prior to 2007, of a methodology similar to the Proposed Method, as well as Copley's subsequent discussions with the staff of the Commission's Division of Enforcement, resulting in Copley changing its methodology to make a provision for federal income tax liability in the full amount of federal income tax that would be due if the full amount of Copley's existing unrealized gains were realized. The Application also discusses a letter from the staff of the Commission's Division of Investment Management to Copley's counsel, dated April 5, 2013, available at *http://www.sec.gov/divisions/investment/noaction/2013/copley-fund-040513-22c1.pdf,* in which the staff rejected Copley's request for assurance that it would not recommend enforcement action to the Commission if Copley were to make a provision for federal income tax liability according to the Proposed Method.

[9] *See supra* note 1 (definition of ''redeemable security'').

[10] An open-end fund that has elected RIC status under the Code may be subject to a 4% excise tax on undistributed income to the extent that the open-end fund does not satisfy certain distribution requirements for a calendar year. *See* Code Section 4982 ''Excise Tax on Undistributed Income of Regulated Investment Companies.''

income taxes'' in computing its current net asset value under rule 2a–4 for purposes of complying with rule 22c–1 under the Company Act. The Commission is aware of several other existing open-end funds that have chosen to be C Corporations and to which this provision of rule 2a–4(a)(4) is relevant; none of these funds has requested an exemption relating to this provision.

7. Under rule 22c–1, an open-end fund may sell and redeem its redeemable securities only at a price based on its current net asset value, which equals the value of the fund's total assets minus the amount of the fund's total liabilities. Under rule 2a–4, an open-end fund generally must value its assets at their market value, in the case of securities for which market quotations are readily available, or at fair value, as determined in good faith by the fund's board of directors, in the case of other securities and assets.[11] When calculating its current net asset value for purposes of rule 22c–1, an open-end fund: (i) adds up the current values of all of its assets (using their market values or fair values, as appropriate), which reflect any unrealized gains; and (ii) subtracts all of its liabilities, which include an appropriate provision for federal income taxes on any unrealized gains. If the open-end fund understates a liability, among other consequences, the calculated current net asset value will be overstated, as will the price at which the fund's redeemable securities are sold and redeemed. As a result, investors purchasing the fund's shares will pay too much for them, redeeming shareholders will receive too much for their shares, and the net asset value of shares held by the remaining shareholders may be reduced correspondingly when the full amount of the liability must be paid. This outcome would be counter to one of the primary principles underlying the Company Act, which is that sales and redemptions of redeemable securities should be effected at prices that are fair, and which do not result in dilution of shareholder interests or other harm to shareholders.[12]

B. Rule 4–01(a)(1) of Regulation S–X

8. Under the Company Act, Copley is required to file with the Commission a registration statement and annual reports, which must contain Copley's financial statements.[13] The form and content of and requirements for the financial statements filed pursuant to the Company Act are set forth in Regulation S–X. Rule 4–0l(a)(l) of Regulation S–X states, in relevant part, that ''[f]inancial statements filed with the Commission which are not prepared in accordance with [GAAP] will be presumed to be misleading or inaccurate, despite footnote or other disclosures, unless the Commission has otherwise provided.'' [14]

C. Section 6(c) of the Company Act

9. Although the Application requests an exemption from rule 22c–1 under the Company Act and rule 4–01(a)(1) of Regulation S–X pursuant to section 36(a) of the Exchange Act, the Commission is considering the requested exemptions under section 6(c) of the Company Act because the provisions of rule 22c–1 under the Company Act and rule 4–01(a)(1) of Regulation S–X are made applicable to Copley by the requirements of the Company Act and the rules thereunder. Section 6(c) of the Company Act provides, in relevant part, that the ''Commission, . . . by order upon application, may conditionally or unconditionally exempt any person . . . from any provision or provisions of [the Company Act] . . . or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Company Act].''

IV. The Commission's Preliminary Views

A. Rule 22c–1 Under the Company Act

10. Rule 22c–1 under the Company Act, as described above, prohibits Copley from selling or redeeming its redeemable securities at a price other than one based on the ''current net asset value,'' as defined in rule 2a–4 under the Company Act. Copley seeks to sell and redeem its redeemable securities at a price that reflects Copley's provision, in accordance with the Proposed Method, for less than its full federal income tax liability that would arise if the unrealized gains in Copley's portfolio were realized by the Fund. If the Proposed Method results in an ''appropriate provision . . . for Federal income taxes'' under rule 2a–4(a)(4), then the price of Copley's redeemable securities would be based on the ''current net asset value'' as defined in rule 2a–4(a)(4) and Copley would not need an exemption from rule 22c–1. On the other hand, if the Proposed Method does not make an ''appropriate provision . . . for Federal income taxes'' under rule 2a–4(a)(4), the price of Copley's redeemable securities would not be based on the ''current net asset value'' as defined in rule 2a–4 and would cause Copley to violate rule 22c–1, unless the Commission issues an order exempting Copley from rule 22c–1. Because the Commission, for the reasons discussed below, preliminarily believes that the Proposed Method would not result in an ''appropriate provision . . . for Federal income taxes'' under rule 2a–4(a)(4), the Commission preliminarily believes that Copley, in order to avoid violating rule 22c–1, would need an exemption from rule 22c–1 to be able to sell and redeem its shares at a price that is not based on the ''current net asset value,'' as defined in rule 2a–4.

11. Copley seeks an exemption from rule 22c–1 to be able to determine the price at which its redeemable securities may be purchased or redeemed based on a net asset value that would reflect less than the full amount of the federal income tax liability that would arise if all of the Fund's existing unrealized gains were realized, calculated based on the Proposed Method (''Proposed Method NAV'').[15] The Application's justification for the use of the Proposed Method is that it would ''provide its current and future investors with a more fair and accurate presentation of its [net

[11] *See also* section 2(a)(41) of the Company Act defining the term ''value.''

[12] *See Investment Trusts and Investment Companies: Hearings on S.3580 Before a Subcommittee of the Senate Committee on Banking and Currency,* 76th Cong., 3d Sess. 136–38 (1940) (hearings that preceded the enactment of the Company Act). In addition, all funds must accurately calculate their net asset values to ensure the accuracy of their payment of asset-based fees, such as investment advisory fees, as well as the accuracy of their reported performance. Statement Regarding ''Restricted Securities,'' Investment Company Act Release No. 5847 (Oct. 21, 1969).

[13] Sections 8(b) and 30 of the Company Act require the filing of registration statements and annual reports, respectively.

[14] Rule 4–01 of Regulation S–X is made applicable to investment companies registered under the Company Act by rule 6–03 of Regulation S–X.

[15] The Application provides an example of the difference in the net asset value per share resulting from the use of the Proposed Method, as opposed to making a provision for the full federal income tax liability that would arise if all of the Fund's existing unrealized gains were realized. The Application points out that, following Copley's discussions with the staff of the Commission's Division of Enforcement in 2007, Copley changed its methodology to provide for the full federal income tax liability in the net asset value per share of its redeemable securities. The Application states that, whereas Copley's net asset value per share on February 28, 2007, reflecting the use of a methodology similar to the Proposed Method, was stated in its annual report as being $54.67, ''the Restated Annual Report . . . reflect[ed] a per share [net] asset value for that same date (February 28, 2007) of $42.54.'' The $12.13 reduction in the net asset value per share was a change of 22%.

asset value]'' because ''the entire [federal tax liability] would be due only in the unlikely event the entire portfolio were liquidated.''

12. As an open-end fund under the Company Act, Copley must stand ready to redeem its redeemable securities daily. Although Copley has been operating for several decades and the Application states that ''the highest daily redemption in the history of the Fund since inception was . . . approximately 1.6% of the total outstanding shares on the date of the redemption,'' Copley cannot control or fully anticipate the level and amounts of shareholder redemptions and the resulting need to sell its portfolio investments to satisfy the redemption requests. However unlikely it may seem to Copley that it may need to liquidate its entire portfolio to meet redemption requests, that is a possibility that Copley may not rule out under the Company Act.[16] That is because all of the holders of Copley's redeemable securities are entitled, under the terms of their securities, upon presentation to Copley or to a person designated by Copley, to receive approximately their proportionate share of Copley's current net assets or the cash equivalent thereof.[17]

13. If Copley were to experience a high level of redemptions necessitating liquidation of a large portion of its portfolio with significant unrealized gains, Copley's pricing of its redeemable securities based on the Proposed Method NAV could result in the redeeming shareholders receiving a price for their shares that reflects more than their pro-rata share of the net asset value of the Fund, while the price of the shares held by the remaining shareholders would reflect less than their pro-rata share of the net asset value of the Fund. Copley's use of the Proposed Method could produce this disparate result because only the net asset value per share of the shares held by the remaining, non-redeeming shareholders would reflect the full actual federal income tax expense incurred as a result of the liquidation of the portfolio, even though the same amount of federal income tax liability existed, but was not provided for, when the other shareholders redeemed at a price based on a higher net asset value per share.

14. For example, consider the following illustrative fact pattern of an open-end fund that is a C Corporation (''Fund A'') that records a 2.8% federal income tax liability in accordance with Copley's Proposed Method but is required to pay federal income taxes at a rate of 35%.[18] As of the close of business on March 30, 2014, Fund A has total assets comprised of investments valued at $1,400,000, which reflects $400,000 in unrealized gains,[19] and total liabilities comprised of a federal income tax liability on unrealized gains of $11,200.[20] Fund A has 100,000 redeemable securities outstanding. As of the close of business on March 30, 2014, Fund A's net asset value and net asset value per share (NAV/share) are $1,388,800[21] and $13.888,[22] respectively. On March 31, 2014, Fund A has no profit or loss for the day[23] and shareholders unexpectedly request redemption of 60,000 shares, which entitles these shareholders to redeem at the March 31, 2014 closing NAV/share of $13.888.[24] On April 1, 2014, in order to raise cash to satisfy the March 31, 2014 shareholder redemption requests of $833,280,[25] Fund A sells investments of $834,000 with a cost basis of $534,000, resulting in realized gains of $300,000.[26] Since Fund A realized $300,000 in gains, Fund A would have a federal income tax liability of $105,000.[27] However, since Fund A's net asset value only reflected a $11,200 federal income tax liability as of March 31, 2014, Fund A has to record an additional $93,800[28] of a federal income tax expense and corresponding federal income tax liability on April 1, 2014. On April 1, 2014, Fund A has no other profit or loss[29] besides recording the federal income tax expense and corresponding current federal income tax liability of $93,800 and an additional federal income tax expense and corresponding federal income tax liability of $2,800.[30] At the close of business on April 1, 2014, Fund A has a net asset value of $458,920[31] and redeemable securities outstanding of 40,000,[32] resulting in an NAV/share of $11.473.[33] Therefore, the redeeming shareholders received an NAV/share of $13.888 on March 31 while the NAV/share of the remaining shareholders was reduced to reflect the federal income tax accrual on gains realized by Fund A from selling portfolio securities with unrealized gains to pay the redeeming shareholders and thus their shares have an NAV/share of $11.473 on April 1, 2014. Although the same realized gains ($300,000) had been fully reflected in the net asset value on March 31 as unrealized gains, only 2.8% of the full 35% federal income tax liability on those unrealized gains had been reflected in the net asset value on that day, and the remaining shareholders were harmed solely as a result of Fund A's use of the Proposed Method.[34] If Fund A reflected the full 35% federal income tax liability in its net asset value prior to receiving the shareholder redemption requests on March 31, 2014,

[16] Redemptions necessitating liquidation of a substantial amount of an open-end fund portfolio, while infrequent, have in fact been experienced by several open-end funds. *See, e.g.,* L. Jones, ''From Difficult to Disaster: Redemptions' Impact on Funds,'' Morningstar (Feb. 7, 2008), available at *http://news.morningstar.com/articlenet/article.aspx?id=227989*.

[17] *See supra* note 1 (definition of ''redeemable security'').

[18] In this example, under the Proposed Method, in lieu of recording the full federal income tax liability of 35% of unrealized gains, Fund A records a federal income tax liability of 2.8% of unrealized gains (which represents 8% times 35%, where 8% is based on highest daily redemptions of Fund A's shares during the previous five years).

[19] Valuation of $1,400,000 reflects $1,000,000 cost and $400,000 of unrealized gains.

[20] $11,200 federal income tax liability on unrealized gains equals $400,000 unrealized gains times 2.8% recorded federal income tax liability.

[21] $1,388,800 net asset value equals $1,400,000 total assets minus $11,200 total liabilities.

[22] $13.888 NAV/share equals $1,388,800 net asset value divided by 100,000 shares outstanding.

[23] Generally, an open-end fund would have daily profit or loss. However, because this is a simplified example presented solely for illustrative purposes, we assume that Fund A had no profit or loss on March 31, 2014.

[24] Because Fund A recorded no profit or loss on March 31, 2014, the NAV/share as of the close of business on March 31, 2014 is the same as the NAV/share as of the close of business on March 30, 2014.

[25] $833,280 redemption requests equal 60,000 shares redeemed times 13.888 NAV/share.

[26] For purposes of this simplified example, we assume that all transactions are recorded on trade date.

[27] $105,000 federal income tax liability equals $300,000 realized gains times 35% federal income tax rate.

[28] $93,800 additional tax expense equals $105,000 federal income tax liability minus $11,200 federal income tax liability on unrealized gains already reflected in the net asset value.

[29] *See generally supra* note 23.

[30] Subsequent to the sale of investments to meet redemptions, Fund A has investments valued at $566,000 ($1,400,000 value of investments prior to sale minus $834,000 investments sold), with a cost basis of $466,000 ($1,000,000 cost of investments prior to sale minus $534,000 cost of investments sold) and unrealized gains of $100,000 ($566,000 value of investments minus $466,000 cost of investments). Therefore, Fund A, in accordance with the Proposed Method, records an additional federal income tax liability of $2,800 (2.8% times $100,000 unrealized gains).

[31] $458,920 net asset value equals $1,388,800 net asset value prior to redemption minus $833,280 redemptions minus $93,800 additional current federal income tax liability recorded minus $2,800 additional federal income tax liability recorded.

[32] 40,000 redeemable securities outstanding equals 100,000 redeemable securities outstanding prior to redemption minus 60,000 shares redeemed.

[33] $11.473 NAV/share equals $458,920 net asset value divided by 40,000 redeemable securities outstanding.

[34] If there had been any investors who purchased Fund shares on March 31 at the NAV/share of $13.888, they also would have been harmed by Fund A's use of the Proposed Method because they would have overpaid for their shares.

the redeeming shareholders would have redeemed at an NAV/share of $12.600 [35] and the remaining shareholders would have held shares with an NAV/share of $12.600 [36] (which is $1.127, or approximately 9.8%, higher than $11.473, their resulting NAV/share when applying the Proposed Method) on April 1, 2014. This result would have been fair and equitable to *all* of Fund A's shareholders.

15. The Commission therefore preliminarily believes that the Proposed Method would not result in an ''appropriate provision . . . for Federal income taxes'' as required by rule 2a–4(a)(4) under the Company Act. In the Commission's preliminary view, in order to make an ''appropriate provision . . . for Federal income taxes'' under rule 2a–4(a)(4), Copley must make a provision for the full federal income tax liability that would arise if all of the Fund's existing unrealized gains were realized. Making such a provision would result in purchases and redemptions of Copley's redeemable securities being effected, under rule 22c–1 under the Company Act, at a price based on a net asset value that reflects a fair and equitable treatment of all of Copley's shareholders. In contrast, the exemption from rule 22c–1 requested in the application to provide for less than the full federal income tax liability, could result in, among other things, redemptions of Copley's redeemable securities at prices based on a potentially significantly higher net asset value per share for some shareholders while the net asset value of shares held by the remaining shareholders may be reduced correspondingly when the full federal income tax liability is accrued, producing an unfair and inequitable result among Copley's shareholders.

16. The Application discusses Copley's ''willingness to convert to RIC status in the event unforeseen circumstances caused [unrealized] gains to be realized that consumed the entire amount of accumulated deferred income taxes it has recognized'' as a way for the Fund to avoid having to pay more in federal income taxes than the amount provided for under the Proposed Method. Copley's suggested potential conversion to RIC status, however, does not change our analysis. In order to successfully convert to a RIC at a point in time, Copley would be required to comply with the Code's RIC requirements at all times during the taxable year, which may not be possible if Copley encountered the ''unforeseen circumstances'' mid-year or late-year.[37] Moreover, despite converting to a RIC, Copley still would be subject to federal income tax on the unrealized gains on securities which existed prior to conversion to the extent the securities are sold within ten years after the conversion.[38] Because Copley, as an open-end fund that has issued redeemable securities, cannot fully predict whether securities may need to be sold to meet redemption requests in the ten years after conversion to a RIC, Copley's contingent intent to convert to a RIC does not eliminate Copley's potential federal income tax liability.[39]

17. Based on the foregoing, the Commission's preliminary view is that an exemption from rule 22c–1 under the Company Act is not necessary or appropriate in the public interest and is not consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Company Act. Accordingly, absent a request for a hearing that is granted by the Commission, the Commission intends to deny Copley's request for an exemption from rule 22c–1 under the Company Act.

B. Rule 4–01(a)(1) of Regulation S–X

18. The Commission's preliminary view that, in order to make an ''appropriate provision . . . for Federal income taxes'' under rule 2a–4(a)(4) under the Company Act, Copley must make a provision for the full federal income tax liability that would arise if all of the Fund's existing unrealized gains were realized, also is consistent with GAAP. The Application, however, requests an ''exemption'' from rule 4–01(a)(1) of Regulation S–X for Copley to use a non-GAAP methodology in recording its federal income tax liability in its financial statements.[40] If Copley were to use two different methodologies in calculating its net asset value—a GAAP-consistent methodology for purposes of pricing Copley's redeemable securities for purchases and redemptions under rules 2a–4 and 22c–1 under the Company Act, and a non-GAAP methodology in its financial statements—in the Commission's preliminary view, the result may be unnecessarily confusing to investors and contrary to the policy behind the Company Act's disclosure requirements. Accordingly, absent a request for a hearing that is granted by the Commission, the Commission intends to deny Copley's request for an exemption from rule 4–01(a)(1) of Regulation S–X as not necessary or appropriate in the public interest and as not consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Company Act.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

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[35] $12.600 NAV/share on March 31, 2014 equals $1,260,000 net asset value divided by 100,000 shares outstanding, where $1,260,000 net asset value equals $1,400,000 value of investments (inclusive of an unrealized gain of $400,000) minus federal income tax liability of $140,000 (where $140,000 equals $400,000 unrealized gains times 35%).

[36] Shareholders would have redeemed 60,000 shares at the March 31, 2014 NAV/share of $12.600 representing redemptions of $756,000. To satisfy redemptions, assume for illustrative purposes that Fund A would have sold the same $834,000 of investments with a cost basis of $534,000 resulting in a realized gain of $300,000. Fund A would owe $105,000 of federal income taxes ($300,000 realized gain times 35%), however, under this fact pattern, Fund A already recorded a federal income tax liability in excess of $105,000 (*i.e.,* Fund A recorded a federal income tax liability of $140,000), and therefore, Fund A would not need to record an additional federal income tax expense and corresponding federal income tax liability. Fund A's net asset value after sale of investments and redemption of 60,000 shares would be $504,000 ($1,260,000 net asset value before redemption minus $756,000 redemption) and Fund A's resulting NAV/share would be $12.600 ($504,000 net asset value divided by 40,000 shares outstanding).

[37] *See* section 851 of the Code.

[38] *See* Treas. Reg. section 1.337(d)–7.

[39] The Application discusses certain real estate investment trusts (''REITs''), which under the Code also may avoid a layer of tax at the corporate level if they elect ''REIT status'' and meet certain requirements, as examples of public companies that have converted from C Corporations and elected REIT status and, by doing so, avoided incurring a federal income tax liability. The Application states that ''[Copley is] aware of at least two entities—Weyerhaeuser and American Tower Corp.—that converted from C Corporations into [REITs] and, in doing so, have exercised discretion with respect to accounting for deferred tax liabilities.'' Among other differences, the REITs discussed in the Application are not open-end funds, do not issue redeemable securities and therefore do not face the associated potential need to sell portfolio assets to satisfy redemption requests.

[40] The Application does not state how Copley would present the amount of its federal income tax liability in its financial statements if the Commission granted the requested exemption. The Commission assumes that Copley would present the amount according to its Proposed Method in lieu of presenting the amount determined in accordance with GAAP.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72170; File No. SR–NYSEArca–2014–56]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Relating To Listing and Trading of Shares of the PIMCO Income Exchange-Traded Fund Under NYSE Arca Equities Rule 8.600

May 15, 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 1, 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the PIMCO Income Exchange-Traded Fund under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''). 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.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 list and trade shares (''Shares'') of the PIMCO Income Exchange-Traded Fund (the ''Fund'') under NYSE Arca Equities Rule 8.600,[4] which governs the listing and trading of Managed Fund Shares.[5] The Shares will be offered by PIMCO ETF Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[6]

The investment manager to the Fund will be Pacific Investment Management Company LLC (''PIMCO'' or the ''Adviser''). PIMCO Investments LLC will serve as the distributor for the Fund (''Distributor''). State Street Bank & Trust Co. will serve as the custodian and transfer agent for the Fund (''Custodian'' or ''Transfer Agent'').

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer, but is affiliated with a broker-dealer, and will implement a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. If PIMCO elects to hire a sub-adviser for the Fund that is registered as a broker-dealer or is affiliated with a broker-dealer, such sub-adviser will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer, or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the composition and/or

[4] The Commission has previously approved the listing and trading on the Exchange of other actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving Exchange listing and trading of five fixed income funds of the PIMCO ETF Trust); 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (order approving listing and trading of PIMCO Total Return Exchange Traded Fund); 66670 (March 28, 2012), 77 FR 20087 (April 3, 2012) (SR–NYSEArca–2012–09) (order approving listing and trading of PIMCO Global Advantage Inflation-Linked Bond Strategy Fund).

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On January 27, 2014, the Trust filed an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and the 1940 Act relating to the Fund (File Nos. 333–155395 and 811–22250) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28993 (November 10, 2009) (File No. 812–13571) (''Exemptive Order'').

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violations, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Characteristics of the Fund [8]

According to the Registration Statement, in selecting investments for the Fund, PIMCO will develop an outlook for interest rates, currency exchange rates and the economy, will analyze credit and call risks, and will use other investment selection techniques. The proportion of the Fund's assets committed to investment in securities with particular characteristics (such as quality, sector, interest rate or maturity) will vary based on PIMCO's outlook for the U.S. economy and the economies of other countries in the world, the financial markets and other factors.

In seeking to identify undervalued currencies, PIMCO may consider many factors, including, but not limited to, longer-term analysis of relative interest rates, inflation rates, real exchange rates, purchasing power parity, trade account balances and current account balances, as well as other factors that influence exchange rates such as flows, market technical trends and government policies. With respect to fixed income investing, PIMCO will attempt to identify areas of the bond market that are undervalued relative to the rest of the market. PIMCO will identify these areas by grouping fixed income investments into sectors such as money markets, governments, corporates, mortgages, asset-backed and international. Sophisticated proprietary software will then assist in evaluating sectors and pricing specific investments. Once investment opportunities are identified, PIMCO will shift assets among sectors depending upon changes in relative valuations, credit spreads and other factors.

Fixed Income Instruments

Among other investments described in more detail herein, the Fund may invest in Fixed Income Instruments, which include:

- Securities issued or guaranteed by the U.S. Government, its agencies or government-sponsored enterprises (''U.S. Government Securities'');
- corporate debt securities of U.S. and non-U.S. issuers, including convertible securities and corporate commercial paper; [9]
- mortgage-backed and other asset-backed securities; [10]
- inflation-indexed bonds issued both by governments and corporations; [11]
- structured notes, including hybrid or ''indexed'' securities and event-linked bonds; [12]
- bank capital and trust preferred securities; [13]
- loan participations and assignments; [14]
- delayed funding loans and revolving credit facilities;
- bank certificates of deposit, fixed time deposits and bankers' acceptances;
- repurchase agreements on Fixed Income Instruments and reverse repurchase agreements on Fixed Income Instruments;
- debt securities issued by states or local governments and their agencies, authorities and other government-sponsored enterprises (''Municipal Bonds'');
- obligations of non-U.S. governments or their subdivisions, agencies and government-sponsored enterprises; and
- obligations of international agencies or supranational entities.

Use of Derivatives by the Fund

The Fund's investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. With respect to the Fund, derivative instruments primarily will include forwards,[15] exchange-traded and over-the-counter (''OTC'') options contracts, exchange-traded futures contracts, swap agreements and options on futures contracts and swap agreements. Generally, derivatives are financial contracts whose value depends upon, or is derived from, the value of an underlying asset, reference rate or index, and may relate to stocks, bonds, interest rates, currencies or currency exchange rates, commodities, and related indexes. The Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.

As described further below, the Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset and/or as part of a strategy designed to reduce exposure to other risks, such as interest rate or currency risk. The Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Trust's Board of Trustees (''Board'') and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted

[8] Many of the investment strategies of the Fund are discretionary, which means that PIMCO can decide from time to time whether to use them or not.

[9] With respect to the Fund, while non-emerging markets corporate debt securities (excluding commercial paper) generally must have $100 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues of such securities held by the Fund must have $100 million or more par amount outstanding (aggregated by issuer or group of related issuers) at the time of investment. *See also* note 20, *infra,* regarding emerging market corporate debt securities.

[10] Mortgage-related and other asset-backed securities include collateralized mortgage obligations (''CMO''s), commercial mortgage-backed securities, mortgage dollar rolls, CMO residuals, stripped mortgage-backed securities and other securities that directly or indirectly represent a participation in, or are secured by and payable from, mortgage loans on real property. A to-be-announced (''TBA'') transaction is a method of trading mortgage-backed securities. In a TBA transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date.

[11] Inflation-indexed bonds (other than municipal inflation-indexed bonds and certain corporate inflation-indexed bonds) are fixed income securities whose principal value is periodically adjusted according to the rate of inflation (*e.g.,* Treasury Inflation Protected Securities (''TIPS'')). Municipal inflation-indexed securities are municipal bonds that pay coupons based on a fixed rate plus the Consumer Price Index for All Urban Consumers (''CPI''). With regard to municipal inflation-indexed bonds and certain corporate inflation-indexed bonds, the inflation adjustment is reflected in the semi-annual coupon payment.

[12] The Fund may obtain event-linked exposure by investing in ''event-linked bonds'' or ''event-linked swaps'' or by implementing ''event-linked strategies.'' Event-linked exposure results in gains or losses that typically are contingent, or formulaically related to defined trigger events. Examples of trigger events include hurricanes, earthquakes, weather-related phenomena, or statistics relating to such events. Some event-linked bonds are commonly referred to as ''catastrophe bonds.'' If a trigger event occurs, the Fund may lose a portion or its entire principal invested in the bond or notional amount on a swap.

[13] There are two common types of bank capital: Tier I and Tier II. Bank capital is generally, but not always, of investment grade quality. According to the Registration Statement, Tier I securities often take the form of trust preferred securities. Tier II securities are commonly thought of as hybrids of debt and preferred stock, are often perpetual (with no maturity date), callable and, under certain conditions, allow for the issuer bank to withhold payment of interest until a later date. However, such deferred interest payments generally earn interest.

[14] The Fund may invest in fixed- and floating-rate loans, which investments generally will be in the form of loan participations and assignments of portions of such loans.

[15] Forwards are contracts to purchase or sell securities for a fixed price at a future date beyond normal settlement time (forward commitments).

consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, each [sic] Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.[16] Because the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for a [sic] Fund to obtain the desired asset exposure.

The Adviser believes that derivatives can be an economically attractive substitute for an underlying physical security that the Fund would otherwise purchase. For example, the Fund could purchase Treasury futures contracts instead of physical Treasuries or could sell credit default protection on a corporate bond instead of buying a physical bond. Economic benefits include potentially lower transaction costs or attractive relative valuation of a derivative versus a physical bond (*e.g.,* differences in yields).

The Adviser further believes that derivatives can be used as a more liquid means of adjusting portfolio duration as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities (*e.g.,* interest rate swaps may have lower transaction costs than physical bonds). Similarly, money market futures can be used to gain exposure to short-term interest rates in order to express views on anticipated changes in central bank policy rates. In addition, derivatives can be used to protect client assets through selectively hedging downside (or ''tail risks'') in the Fund.

The Fund also can use derivatives to increase or decrease credit exposure. Index credit default swaps (CDX) can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by ''buying protection.'' Single name credit default swaps (CDS) can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying a financing cost. A total return swap may be much more efficient than buying underlying securities of an index, potentially lowering transaction costs.[17]

The Adviser believes that the use of derivatives will allow the Fund to selectively add diversifying sources of return from selling options. Option purchases and sales can also be used to hedge specific exposures in the portfolio, and can provide access to return streams available to long-term investors such as the persistent difference between implied and realized volatility. Option strategies can generate income or improve execution prices (*i.e.,* covered calls).

Principal Investments of the Fund

According to the Registration Statement, the Fund will seek to maximize current income; long-term capital appreciation will be a secondary objective. The Fund will seek to maintain a high and consistent level of dividend income by investing in a broad array of fixed income sectors and utilizing income efficient implementation strategies. The capital appreciation sought by the Fund generally will arise from decreases in interest rates or improving credit fundamentals for a particular sector or security.

The Fund will seek to achieve its investment objective by investing, under normal circumstances,[18] at least 65% of its total assets in a multi-sector portfolio of Fixed Income Instruments of varying maturities, which may be represented by derivatives based on Fixed Income Instruments (the ''65% policy''). The average portfolio duration [19] of the Fund normally will vary from zero to eight years based on PIMCO's forecast for interest rates.

The Fund, as described further below, will generally allocate its assets among several investment sectors, without limitation, which may include: (i) High yield securities (''junk bonds'') and investment grade corporate bonds of issuers located in the United States and non-U.S. countries, including emerging market countries; (ii) fixed income securities issued by the U.S. and non-U.S. governments (including emerging market governments), their agencies and instrumentalities; (iii) mortgage-related and other asset backed securities; and (iv) foreign currencies, including those of emerging market countries. However, the Fund will not be required to gain exposure to any one investment sector, and the Fund's exposure to any one investment sector will vary over time.

The Fund may invest up to 50% of its total assets in high yield securities rated below investment grade but rated at least Caa by Moody's Investors Service, Inc. (''Moody's''), or equivalently rated by Standard & Poor's Ratings Services (''S&P'') or Fitch, Inc. (''Fitch''), or if unrated, determined by PIMCO to be of comparable quality [20] (except such limitation shall not apply to the Fund's investments in mortgage- and asset-backed securities).

The Fund may invest up to 20% of its total assets in securities and instruments that are economically tied to emerging market countries.[21]

[16] To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[17] The Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. PIMCO's Counterparty Risk Committee evaluates the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, PIMCO credit analysts evaluate each approved counterparty using various methods of analysis, including company visits, earnings updates, the broker-dealer's reputation, PIMCO's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity and its share of market participation. According to the Registration Statement, the Fund has adopted procedures that are consistent with Section 18 of the 1940 Act and related Commission guidance, which require that a fund's derivative instruments be fully collateralized by liquid assets of the fund.

[18] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as a systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[19] Duration is a measure used to determine the sensitivity of a security's price to changes in interest rates. The longer a security's duration, the more sensitive it will be to changes in interest rates.

[20] Securities rated Ba or lower by Moody's, or equivalently rated by S&P or Fitch, are sometimes referred to as ''high yield securities'' or ''junk bonds'' while securities rated Baa or higher are referred to as ''investment grade.'' Unrated securities may be less liquid than comparable rated securities and involve the risk that the Fund's portfolio manager may not accurately evaluate the security's comparative credit rating. To the extent that the Fund invests in unrated securities, the Fund's success in achieving its investment objective may depend more heavily on the portfolio manager's creditworthiness analysis than if that Fund invested exclusively in rated securities. In determining whether a security is of comparable quality the Adviser will consider, for example, whether the issuer of the security has issued other rated securities; whether the obligations under the security are guaranteed by another entity and the rating of such guarantor (if any); whether and (if applicable) how the security is collateralized; other forms of credit enhancement (if any); the security's maturity date; liquidity features (if any); relevant cash flow(s); valuation features; other structural analysis; macroeconomic analysis; and sector or industry analysis.

[21] PIMCO will generally consider an instrument to be economically tied to an emerging market country if the security's ''country of exposure'' is

Continued

The Fund may invest in securities and instruments that are economically tied to foreign (non-U.S.) countries.[22] The Fund may invest, without limitation, in securities denominated in foreign currencies. The Fund will normally limit its foreign currency exposure (from non-U.S. dollar-denominated securities or currencies) to 10% of its total assets.

In furtherance of the 65% policy, or with respect to the Fund's other investments, the Fund may invest in derivative instruments, subject to applicable law and any other restrictions described herein.

The Fund may invest up to 25% of its assets in mortgage-related and other asset-backed securities, although this 25% limitation does not apply to securities issued or guaranteed by Federal agencies and/or U.S. government sponsored instrumentalities.

The Fund may engage in foreign currency transactions on a spot (cash) basis and forward basis and invest in foreign currency futures and options contracts. The Fund may enter into these contracts to hedge against foreign exchange risk, to increase exposure to a foreign currency or to shift exposure to foreign currency fluctuations from one currency to another. Suitable hedging transactions may not be available in all circumstances and there can be no assurance that the Fund will engage in such transactions at any given time or from time to time.

The Fund may, without limitation, seek to obtain market exposure to the securities in which it primarily invests by entering into a series of purchase and sale contracts or by using other investment techniques (such as buy backs or dollar rolls).

Other (Non-Principal) Investments of the Fund

The Fund may invest up to 10% of its total assets in preferred stocks, convertible securities and other equity-related securities.[23]

The Fund may invest in variable and floating rate securities, which are securities that pay interest at rates that adjust whenever a specified interest rate changes and/or that reset on predetermined dates (such as the last day of a month or calendar quarter). The Fund may invest in floating rate debt instruments (''floaters'') and inverse floating rate debt instruments (''inverse floaters'') and may engage in credit spread trades.

As disclosed in the Registration Statement, the Fund may also invest in trade claims,[24] privately placed and unregistered securities, and structured products, including credit-linked securities, commodity-linked notes and structured notes. The Fund may invest in Brady Bonds, which are securities created through the exchange of existing commercial bank loans to sovereign entities for new obligations in connection with a debt restructuring.

The Fund may purchase or sell securities which the Fund is eligible to purchase or sell on a when-issued basis, may purchase and sell such securities for delayed delivery and may make contracts to purchase or sell such securities for a fixed price at a future date beyond normal settlement time (forward commitments). The Fund may make short sales as part of its overall portfolio management strategies or to offset a potential decline in value of a security.

The Fund may enter into repurchase agreements, in which the Fund purchases a security from a bank or broker-dealer, which agrees to purchase the security at the Fund's cost plus interest within a specified time. Repurchase agreements maturing in more than seven days and which may not be terminated within seven days at approximately the amount at which the Fund has valued the agreements will be considered illiquid securities. The Fund may enter into reverse repurchase agreements and dollar rolls subject to the Fund's limitations on borrowings.[25] Reverse repurchase agreements and dollar rolls may be considered borrowing for some purposes. The Fund will segregate or ''earmark'' assets determined to be liquid by PIMCO in accordance with procedures established by the Board to cover its obligations under reverse repurchase agreements and dollar rolls.

an emerging market country, as determined by the criteria set forth in the Registration Statement. Alternatively, such as when a ''country of exposure'' is not available or when PIMCO believes the following tests more accurately reflect which country the security is economically tied to, PIMCO may consider an instrument to be economically tied to an emerging market country if the issuer or guarantor is a government of an emerging market country (or any political subdivision, agency, authority or instrumentality of such government), if the issuer or guarantor is organized under the laws of an emerging market country, or if the currency of settlement of the security is a currency of an emerging market country. With respect to derivative instruments, PIMCO will generally consider such instruments to be economically tied to emerging market countries if the underlying assets are currencies of emerging market countries (or baskets or indices of such currencies), or instruments or securities that are issued or guaranteed by governments of emerging market countries or by entities organized under the laws of emerging market countries. While emerging markets corporate debt securities (excluding commercial paper) generally must have $200 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues (aggregated by issuer or group of related issuers) of such securities held by the Fund must have $200 million or more par amount outstanding at the time of investment.

PIMCO will have broad discretion to identify countries that it would consider to qualify as emerging markets. In making investments in emerging market securities, the Fund will emphasize those countries with relatively low gross national product per capita and with the potential for rapid economic growth. Emerging market countries are generally located in Asia, Africa, the Middle East, Latin America and Eastern Europe. PIMCO will select the country and currency composition based on its evaluation of relative interest rates, inflation rates, exchange rates, monetary and fiscal policies, trade and current account balances, legal and political developments and any other specific factors it believes to be relevant.

[22] PIMCO will generally consider an instrument to be economically tied to a non-U.S. country if the issuer is a foreign government (or any political subdivision, agency, authority or instrumentality of such government), or if the issuer is organized under the laws of a non-U.S. country. In the case of certain money market instruments, such instruments will be considered economically tied to a non-U.S. country if either the issuer or the guarantor of such money market instrument is organized under the laws of a non-U.S. country. With respect to derivative instruments, PIMCO will generally consider such instruments to be economically tied to non-U.S. countries if the underlying assets are foreign currencies (or baskets or indexes of such currencies), or instruments or securities that are issued by foreign governments or issuers organized under the laws of a non-U.S. country (or if the underlying assets are certain money market instruments, if either the issuer or the guarantor of such money market instruments is organized under the laws of a non-U.S. country).

[23] Convertible securities are generally preferred stocks and other securities, including fixed income securities and warrants, that are convertible into or exercisable for common stock at a stated price or rate. Equity-related investments may include investments in small-capitalization (''small-cap''), mid-capitalization (''mid-cap'') and large-capitalization (''large-cap'') companies. With respect to each [sic] Fund, a small-cap company will be defined as a company with a market capitalization of up to $1.5 billion, a mid-cap company will be defined as a company with a market capitalization of between $1.5 billion and $10 billion and a large-cap company will be defined as a company with a market capitalization above $10 billion. Not more than 10% of the net assets of a [sic] Fund in the aggregate shall consist of non-U.S. equity securities, including non-U.S. stocks into which a convertible security is converted, whose principal market is not a member of the Intermarket Surveillance Group (''ISG'') or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[24] Trade claims are non-securitized rights of payment arising from obligations that typically arise when vendors and suppliers extend credit to a company by offering payment terms for products and services. If the company files for bankruptcy, payments on these trade claims stop and the claims are subject to compromise along with the other debts of the company. Trade claims may be purchased directly from the creditor or through brokers.

[25] A reverse repurchase agreement involves the sale of a security by the Fund and its agreement to repurchase the instrument at a specified time and price. A dollar roll is similar except that the counterparty is not obligated to return the same securities as those originally sold by the Fund but only securities that are ''substantially identical.''

According to the Registration Statement, the Fund may invest, without limit, for temporary or defensive purposes, in U.S. debt securities, including taxable securities and short-term money market securities, if PIMCO deems it appropriate to do so. If PIMCO believes that economic or market conditions are unfavorable to investors, the Fund may temporarily invest up to 100% of its assets in certain defensive strategies, including holding a substantial portion of its assets in cash, cash equivalents or other highly rated short-term securities, including securities issued or guaranteed by the U.S. government, its agencies or instrumentalities.

According to the Registration Statement, the Fund may invest in, to the extent permitted by Section 12(d)(1)(A) of the 1940 Act, other affiliated and unaffiliated funds, such as open-end or closed-end management investment companies, including other exchange traded funds, provided that the Fund's investment in units or shares of investment companies and other open-end collective investment vehicles will not exceed 10% of the Fund's total assets. The Fund may invest securities lending collateral in one or more money market funds to the extent permitted by Rule 12d1–1 under the 1940 Act, including series of PIMCO Funds, affiliated open-end management investment companies managed by PIMCO.

Investment Restrictions

The Fund's investments, including investments in derivative instruments, will be subject to all of the restrictions under the 1940 Act, including restrictions with respect to investments in illiquid securities, that is, the limitation that a fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, in accordance with Commission guidance.[26] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[27]

The Fund is non-diversified, which means that it may invest its assets in a smaller number of issuers than a diversified fund.[28]

The Fund's portfolio will include a minimum of 13 non-affiliated issuers.

The Fund intends to qualify annually and elect to be treated as a regulated investment company under Subchapter M of the Internal Revenue Code.[29] The Fund will not concentrate its investments in a particular industry, as that term is used in the 1940 Act, and as interpreted, modified, or otherwise permitted by regulatory authority having jurisdiction from time to time.[30]

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and the Fund's use of derivatives may be used to enhance leverage. However, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's broad-based securities market index (as defined in Form N–1A).[31]

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Fund's Reporting Authority will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [32] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the net asset value (''NAV'') per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Net Asset Value and Derivatives Valuation Methodology for Purposes of Determining Net Asset Value

The NAV of the Fund's Shares will be determined by dividing the total value of the Fund's portfolio investments and other assets, less any liabilities, by the total number of Shares outstanding.

The Fund's Shares will be valued as of the close of regular trading (normally 4:00 p.m. Eastern time (''E.T.'') (the ''NYSE Close'') on each day NYSE Arca is open (''Business Day''). Information that becomes known to the Funds [sic] or its agents after the NAV has been calculated on a particular day will not generally be used to retroactively adjust the price of a portfolio asset or the NAV determined earlier that day.

For purposes of calculating NAV, portfolio securities and other assets for which market quotes are readily available will be valued at market value. Market value will generally be determined on the basis of last reported sales prices, or if no sales are reported, based on quotes obtained from a quotation reporting system, established market makers, or pricing services.

Fixed Income Instruments, including those to be purchased under firm commitment agreements/delayed delivery basis, will generally be valued on the basis of quotes obtained from brokers and dealers or independent pricing services. Foreign fixed income securities will generally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Short-term debt instruments having a remaining maturity of 60 days or less

[26] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers willing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[27] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a-7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[28] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80e).

[29] 26 U.S.C. 851.

[30] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[31] The Fund's broad-based securities market index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

[32] 17 CFR 240.10A–3.

are generally valued at amortized cost, which approximates market value.

As discussed in more detail below, derivatives will generally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Local closing prices will be used for all instrument valuation purposes. Foreign currency-denominated derivatives are generally valued using market inputs as of the respective local region's market close.

With respect to specific derivatives:

- Currency spot and forward rates will be generally determined as of the NYSE Close.
- Exchange traded futures will be generally valued at the settlement price of the relevant exchange.
- A total return swap on an index will be valued at the publicly available index price. The index price, in turn, will be determined by the applicable index calculation agent, which generally will value the securities underlying the index at the last reported sale price.
- Equity total return swaps will generally be valued using the actual underlying equity at local market closing, while bank loan total return swaps will generally be valued using the evaluated underlying bank loan price minus the strike price of the loan.
- Exchange-traded non-equity options, (for example, options on bonds, Eurodollar options and U.S. Treasury options), index options, and options on futures will generally be valued at the official settlement price determined by the relevant exchange, if available.
- OTC and exchange traded equity options will generally be valued on a basis of quotes obtained from a quotation reporting system, established market makers, or pricing services.
- OTC FX options will generally be valued by pricing vendors.
- All other swaps such as interest rate swaps, inflation swaps, swaptions, credit default swaps, CDX/CDS will generally be valued by pricing services.

Exchange-traded equity securities will be valued at the official closing price or the last trading price on the exchange or market on which the security is primarily traded at the time of valuation. If no sales or closing prices are reported during the day, equity securities are generally valued at the mean of the last available bid and ask quotation on the exchange or market on which the security is primarily traded, or using other market information obtained from quotation reporting systems, established market makers, or pricing services. Investment company securities that are not exchange-traded will be valued at NAV.

If a foreign security's value has materially changed after the close of the security's primary exchange or principal market but before the NYSE Close, the security will be valued at fair value based on procedures established and approved by the Board. Foreign securities that do not trade when the NYSE is open are also valued at fair value.

Securities and other assets for which market quotes are not readily available will be valued at fair value as determined in good faith by the Board or persons acting at their direction. The Board has adopted methods for valuing securities and other assets in circumstances where market quotes are not readily available, and has delegated to PIMCO the responsibility for applying the valuation methods. In the event that market quotes are not readily available, and the security or asset cannot be valued pursuant to one of the valuation methods, the value of the security or asset will be determined in good faith by the Valuation Committee of the Board, generally based upon recommendations provided by PIMCO.

Market quotes are considered not readily available in circumstances where there is an absence of current or reliable market-based data (*e.g.,* trade information, bid/ask information, broker quotes), including where events occur after the close of the relevant market, but prior to the NYSE Close, that materially affect the values of the Fund's securities or assets. In addition, market quotes are considered not readily available when, due to extraordinary circumstances, the exchanges or markets on which the securities trade do not open for trading for the entire day and no other market prices are available. The Board has delegated to PIMCO the responsibility for monitoring significant events that may materially affect the values of the Fund's securities or assets and for determining whether the value of the applicable securities or assets should be re-evaluated in light of such significant events.

When the Fund uses fair value pricing to determine its NAV, securities will not be priced on the basis of quotes from the primary market in which they are traded, but rather may be priced by another method that the Board or persons acting at their direction believe reflects fair value. Fair value pricing may require subjective determinations about the value of a security. While the Trust's policy is intended to result in a calculation of the Fund's NAV that fairly reflects security values as of the time of pricing, the Trust cannot ensure that fair values determined by the Board or persons acting at their direction would accurately reflect the price that the Fund could obtain for a security if it were to dispose of that security as of the time of pricing (for instance, in a forced or distressed sale). The prices used by the Fund may differ from the value that would be realized if the securities were sold.

For the Fund's 4:00 p.m. E.T. futures holdings, estimated prices from Reuters will be used if any cumulative futures margin impact is greater than $0.005 to the NAV due to futures movement after the fixed income futures market closes (3:00 p.m. E.T.) and up to the NYSE Close (generally 4:00 p.m. E.T.). Swaps traded on exchanges such as the Chicago Mercantile Exchange (''CME'') or the Intercontinental Exchange (''ICE–US'') will use the applicable exchange closing price where available.

Investments initially valued in currencies other than the U.S. dollar will be converted to the U.S. dollar using exchange rates obtained from pricing services. As a result, the NAV of the Fund's Shares may be affected by changes in the value of currencies in relation to the U.S. dollar. The value of securities traded in markets outside the United States or denominated in currencies other than the U.S. dollar may be affected significantly on a day that the NYSE is closed. As a result, to the extent that the Fund holds foreign (non-U.S.) securities, the NAV of the Fund's Shares may change when an investor cannot purchase, redeem or exchange Shares.

Derivatives Valuation Methodology for Purposes of Determining Portfolio Indicative Value

On each Business Day, before commencement of trading in Fund Shares on NYSE Arca, the Fund will disclose on its Web site the identities and quantities of the portfolio instruments and other assets held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

In order to provide additional information regarding the intra-day value of Shares of the Fund, the NYSE Arca or a market data vendor will disseminate every 15 seconds through the facilities of the Consolidated Tape Association (''CTA'') or other widely disseminated means an updated Portfolio Indicative Value (''PIV'') for the Fund as calculated by an information provider or market data vendor.

A third party market data provider will calculate the PIV for the Fund. For

the purposes of determining the PIV, the third party market data provider's valuation of derivatives is expected to be similar to its valuation of all securities. The third party market data provider may use market quotes if available or may fair value securities against proxies (such as swap or yield curves).

With respect to specific derivatives:

- Foreign currency derivatives may be valued intraday using market quotes, or another proxy as determined to be appropriate by the third party market data provider.
- Futures may be valued intraday using the relevant futures exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- Interest rate swaps may be mapped to a swap curve and valued intraday based on the swap curve, or another proxy as determined to be appropriate by the third party market data provider.
- CDX/CDS may be valued using intraday data from market vendors, or based on underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Total return swaps may be valued intraday using the underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Exchange listed options may be valued intraday using the relevant exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- OTC options may be valued intraday through option valuation models (*e.g.,* Black-Scholes) or using exchange traded options as a proxy, or another proxy as determined to be appropriate by the third party market data provider.

A third party market data provider's valuation of forwards will be similar to its valuation of the underlying securities, or another proxy as determined to be appropriate by the third party market data provider. The third party market data provider will generally use market quotes if available. Where market quotes are not available, it may fair value securities against proxies (such as swap or yield curves). The Fund's disclosure of forward positions will include information that market participants can use to value these positions intraday.

Disclosed Portfolio

The Fund's disclosure of derivative positions will include information that market participants can use to value these positions intraday. The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism for the Fund as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives. Because derivatives generally are not eligible for in-kind transfer, they will typically be substituted with a ''cash in lieu'' amount when the Fund processes purchases or redemptions of block-size Creation Units (as described below) in-kind.

Creations and Redemptions of Shares

According to the Registration Statement, Shares of the Fund that trade in the secondary market will be ''created'' at NAV by Authorized Participants only in block-size creation units (''Creation Units'') of 100,000 Shares or multiples thereof.[33] The Fund will offer and issue Shares at their NAV per Share generally in exchange for a basket of debt securities held by the Fund (the ''Deposit Securities'') together with a deposit of a specified cash payment (the ''Cash Component''), or in lieu of Deposit Securities, a [sic] Fund may permit a ''cash-in-lieu'' amount for any reason at the Fund's sole discretion. Alternatively, the Fund may issue Creation Units in exchange for a specified all-cash payment (''Cash Deposit''). Similarly, Shares can be redeemed only in Creation Units, generally in-kind for a portfolio of debt securities held by the Fund and/or for a specified amount of cash.

Except when aggregated in Creation Units, Shares will not be redeemable by the Fund. The prices at which creations and redemptions occur will be based on the next calculation of NAV after an order is received. Requirements as to the timing and form of orders are described in the Authorized Participant agreement. PIMCO will make available on each Business Day via the NSCC, prior to the opening of business (subject to amendments) on the Exchange (currently 9:30 a.m., E.T.), the identity and the required amount of each Deposit Security and the amount of the Cash Component (or Cash Deposit) to be included in the current ''Fund Deposit''[34] (based on information at the end of the previous Business Day). Creations and redemptions must be made by an Authorized Participant.

Additional information regarding the Trust, the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to but not defined in this proposed rule change are defined in the Registration Statement.

Availability of Information

The Trust's Web site (*www.pimcoetfs.com*), which will be publicly available prior to the public offering of Shares, will include a form

[33] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of trading on the New York Stock Exchange (''NYSE''), generally 4:00 p.m. E.T. (the ''NAV Calculation Time'') on any business day. NAV per Share is calculated by dividing the Fund's net assets by the number of the Fund's Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, see the Registration Statement.

An ''Authorized Participant'' refers to a Participating Party (a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''); or a Depository Trust Company (''DTC'') Participant who has executed a Participant Agreement (an agreement with the Distributor and Transfer Agent with respect to creations and redemptions of Creation Unit aggregations).

[34] The Deposit Securities and Cash Component or, alternatively, the Cash Deposit, will constitute the Fund Deposit which will represents the investment amount for a Creation Unit of the Fund.

of the prospectus for the Fund that may be downloaded. The Trust's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) daily trading volume, the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[35] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each Business Day, before commencement of trading in Shares in the Core Trading Session (9:30 a.m. E.T. to 4:00 p.m. E.T.) on the Exchange, the Fund will disclose on the Trust's Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[36]

As noted above, on a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

Price information for the debt securities and other financial instruments held by the Fund will be available through major market data vendors.[37]

In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the Exchange via the NSCC. The basket represents one Creation Unit of Shares of the Fund. The NAV of the Fund will normally be determined as of the close of the regular trading session on the Exchange (ordinarily 4:00 p.m. E.T.) on each Business Day. Authorized participants may refer to the basket composition file for information regarding Fixed Income Instruments, and any other instrument that may comprise the Fund's basket on a given day.

Investors can also obtain the Trust's SAI, the Fund's Shareholder Reports, and the Fund's Forms N–CSR and Forms N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR, Form N–PX and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov*. Intra-day and closing price information regarding equity securities traded on an exchange, including common stocks, preferred stocks, securities convertible into stocks, closed-end funds, exchange traded funds and other equity-related securities, will be available from the exchange on which such securities are traded. Intra-day and closing price information regarding Fixed Income Instruments also will be available from major market data vendors. Price information relating to forwards will be available from major market data vendors. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the CTA high-speed line. In addition, the PIV, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[38] The dissemination of the PIV, together with the Disclosed Portfolio, may allow investors to determine an approximate value of the underlying portfolio of the Fund on a daily basis and to provide an estimate of that value throughout the trading day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[39] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[40] The Exchange

[35] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[36] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[37] Supplementally, major market data vendors may include, but are not limited to: Thomson Reuters, JPMorgan Chase PricingDirect Inc., Markit Group Limited, Bloomberg, Interactive Data Corporation or other major data vendors.

[38] Currently, the Exchange understands that several major market data vendors display and/or make widely available PIVs taken from the CTA or other data feeds.

[39] *See* NYSE Arca Equities Rule 7.12.

[40] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The

represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts with other markets that are members of the ISG and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[41] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Funds [sic] reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

Not more than 10% of the net assets of a [sic] Fund in the aggregate shall consist of equity securities, including stocks into which a convertible security is converted, whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

Furthermore, not more than 10% of the net assets of the Fund in the aggregate shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated PIV will not be calculated or publicly disseminated; (4) how information regarding the PIV is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[42] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts with other markets that are members of the ISG and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, exchange-traded equities, exchange-traded options, futures contracts and options on futures contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. Not more than 10% of the net assets of a [sic] Fund in the aggregate shall consist of equity securities, including stocks into which a convertible security is converted, whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Funds [sic] reported to FINRA's TRACE.

The Fund's investments, including derivatives, will be consistent with the Fund's investment objective and the Fund's use of derivatives may be used to enhance leverage. However, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's broad-based securities market index (as defined in Form N–1A). The Fund will not invest more than 50% of its total assets in high yield securities rated below investment grade but rated at least Caa by Moody's, S&P or Fitch, or if unrated, determined by PIMCO to be of comparable quality (except such limitation shall not apply

Exchange is responsible for FINRA's performance under this regulatory services agreement.

[41] For a list of the current members of ISG, *see http://www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[42] 15 U.S.C. 78f(b)(5).

to the Fund's investments in mortgage- and asset-backed securities. The Fund will not invest more than 20% of its total assets in securities and instruments economically tied to emerging market countries. The Fund will normally limit its foreign currency exposure (from non-U.S. dollar-denominated securities or currencies) to 10% of its total assets. The Fund will limit its investments in currencies to those currencies with a minimum average daily foreign exchange turnover of USD $1 billion as determined by the BIS Triennial Central Bank Survey. The Fund will not invest more than 15% of its net assets in illiquid assets. The Fund will not invest more than 10% of its total assets in preferred stock, convertible securities and other equity-related securities. PIMCO's Counterparty Risk Committee will evaluate the creditworthiness of swaps counterparties on an ongoing basis.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the PIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on the Trust's Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Trust's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the PIV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The Adviser is not a broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, the Fund's Reporting Authority will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that, under normal circumstances, will invest principally in fixed income securities and that will enhance competition with respect to such products among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period 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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2014–56 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–2014–56. 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 Section, 100 F Street NE., Washington, DC 20549, on official business days between 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–56 and should be submitted on or before June 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11724 Filed 5–20–14; 8:45 am]

BILLING CODE 8011–01–P

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72172; File No. SR–NYSEArca–2014–37]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to Listing and Trading of the Shares of iShares 2020 S&P AMT-Free Municipal Series Under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02

May 15, 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 2, 2014, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca''), through its wholly-owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities'' or ''Corporation''), 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 Exchange. On May 14, 2014, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 thereto, from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, the shares of the following series of the iShares Trust: iShares 2020 S&P AMT-Free Municipal Series. 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 list and trade shares (''Shares'') of the following series of the iShares Trust (the ''Trust'') under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, which governs the listing and trading of Investment Company Units (''Units'') based on fixed income securities indexes: iShares 2020 S&P AMT-Free Municipal Series (''Fund'').[4]

Blackrock Fund Advisors (''BFA'') is the investment adviser for the Fund.[5] BlackRock Investments, LLC is the Fund's distributor (''Distributor'').[6]

iShares 2020 S&P AMT-Free Municipal Series[7]

The Fund will seek investment results that correspond generally to the price and yield performance, before fees and expenses, of the S&P AMT-Free Municipal Series 2020 Index ™ (the ''Index'').[8] The Fund will not seek to

[4] The Commission previously has approved a proposed rule change relating to listing and trading on the Exchange of Units based on municipal bond indexes. *See* Securities Exchange Act Release No. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02). The Commission also has issued a notice of filing and immediate effectiveness of a proposed rule change relating to listing and trading on the Exchange of the iShares Taxable Municipal Bond Fund. *See* Securities Exchange Act Release No. 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca–2010–94). The Commission has approved two actively managed funds of the PIMCO ETF Trust that hold municipal bonds. *See* Securities Exchange Act Release No. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund, among others). The Commission also has approved listing and trading on the Exchange of the SPDR Nuveen S&P High Yield Municipal Bond Fund. *See* Securities Exchange Act Release No.63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[5] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, BFA and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[6] See Post-Effective Amendment No. 1004 to the Trust's registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) and the Investment Company Act of 1940 (''1940 Act'') (15 U.S.C. 80a–1), dated December 16, 2013 (File Nos. 333–92935 and 811–09729) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 27608 (December 21, 2006) (File No. 812–13208) (''Exemptive Order'').

[7] This Amendment No. 1 to SR–NYSEArca–2014–37 replaces SR–NYSEArca–2014–37 as originally filed and supersedes such filing in its entirety.

[8] The Index is sponsored by an organization (the ''Index Provider'', as described below), that is independent of the *Fund* and BFA. The Index Provider determines the composition and relative weightings of the securities in the Index and publishes information regarding the market value of the Index. The Index Provider with respect to the Index is Standard & Poor's Financial Services LLC (a subsidiary of The McGraw-Hill Companies) (''S&P''). The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the

Continued

return any predetermined amount at maturity.

According to the Registration Statement, the Index measures the performance of investment-grade U.S. municipal bonds maturing in 2020. As of February 28, 2014, there were 1427 issues in the Index.

The Index includes municipal bonds primarily from issuers that are state or local governments or agencies such that the interest on the bonds is exempt from U.S. federal income taxes and the federal alternative minimum tax (''AMT''). Each bond must have a rating of at least BBB- by S&P, Baa3 by Moody's Investors Service, Inc. (''Moody's''), or BBB- by Fitch, Inc. and must have a minimum maturity par amount of $2 million to be eligible for inclusion in the Index. To remain in the Index, bonds must maintain a minimum par amount greater than or equal to $2 million as of each rebalancing date. All bonds in the Index will mature between June 1 and August 31 of 2020. When a bond matures in the Index, an amount representing its value at maturity will be included in the Index throughout the remaining life of the Index, and any such amount will be assumed to earn a rate equal to the performance of the S&P's Weekly High Grade Index, which consists of Moody's Investment Grade-1 municipal tax-exempt notes that are not subject to federal AMT. By August 31, 2020, the Index is expected to consist entirely of cash carried in this manner. The Index is a market value weighted index and is rebalanced after the close on the last business day of each month.

The Exchange is submitting this proposed rule change because the Index for the Fund does not meet all of the ''generic'' listing requirements of Commentary .02(a) to NYSE Arca Equities Rule 5.2(j)(3) applicable to the listing of Units based on fixed income securities indexes. The Index meets all such requirements except for those set forth in Commentary .02(a)(2).[9] Specifically, as of February 28, 2014, 6.25% of the weight of the Index components have a minimum original principal amount outstanding of $100 million or more.

The Fund generally will invest at least 80% of its assets in the securities of the Index, except during the last months of the Fund's operations, as described below. The Fund may at times invest up to 20% of its assets in cash and cash equivalents (including money market funds affiliated with BFA), as well as in municipal bonds not included in the Index, but which BFA believes will help the Fund track the Index. For example, the Fund may invest in municipal bonds not included in the Index in order to reflect prospective changes in the Index (such as Index reconstitutions, additions and deletions). The Fund will generally hold municipal bond securities issued by state and local municipalities whose interest payments are exempt from U.S. federal income tax, the federal AMT and, effective beginning in 2013, a federal Medicare contribution tax of 3.8% on ''net investment income,'' including dividends, interest and capital gains. In addition, the Fund may invest any cash assets in one or more affiliated municipal money market funds. In the last months of operation, as the bonds held by the Fund mature, the proceeds will not be reinvested in bonds but instead will be held in cash and cash equivalents, including without limitation AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper. These cash equivalents may not be included in the Index. On or about August 31, 2020, the Fund will wind up and terminate, and its net assets will be distributed to then-current shareholders.

As of February 28, 2014, 76.77% of the weight of the Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the Index was approximately $12.06 billion and the average dollar amount outstanding of issues in the 2018 Index was approximately $8.46 million. Further, the most heavily weighted component represented 1.21% of the weight of the Index and the five most heavily weighted components represented 5.39% of the weight of the Index.[10] Therefore, the Exchange believes that, notwithstanding that the Index does not satisfy the criterion in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (a)(2), the Index is sufficiently broad-based to deter potential manipulation, given that it is comprised of approximately 1427 issues. In addition, the Index securities are sufficiently liquid to deter potential manipulation in that a substantial portion (76.77%) of the Index weight is comprised of maturities that are part of a minimum original principal amount outstanding of $100 million or more, and in view of the substantial total dollar amount outstanding and the average dollar amount outstanding of Index issues, as referenced above.[11]

In addition, the average daily notional trading volume for Index components for the period December 31, 2012 to December 31, 2013 was $49 million and the sum of the notional trading volumes for the same period was approximately $12.4 billion. As of March 17, 2014, 61.14% of the Index weight consisted of issues with a rating of AA/Aa2 or higher.

The Index value, calculated and disseminated at least once daily, as well as the components of the Index and their percentage weighting, will be available from major market data vendors. In addition, the portfolio of securities held by the Fund will be disclosed on the Fund's Web site at *www.iShares.com.*

According to the Registration Statement, BFA expects that, over time, the Fund's tracking error will not exceed 5%. ''Tracking error'' is the difference between the performance (return) of the Fund's portfolio and that of the Index.

The Exchange represents that: (1) except for Commentary .02(a)(2) to NYSE Arca Equities Rule 5.2(j)(3), the Shares of the Fund currently satisfy all of the generic listing standards under NYSE Arca Equities Rule 5.2(j)(3); (2) the continued listing standards under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2) applicable to Units shall apply to the Shares; and (3) the Trust is required to comply with Rule 10A–3[12] under the Act for the initial and continued listing of the Shares. In addition, the Exchange represents that the Shares will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the

use and dissemination of material, non-public information regarding the Index.

[9] Commentary .02(a)(2) to NYSE Arca Equities Rule 5.2(j)(3) provides that components that in the aggregate account for at least 75% of the weight of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

[10] Commentary .02(a)(4) to NYSE Arca Equities Rule 5.2(j)(3) provides that no component fixed-income security (excluding Treasury Securities and GSE Securities, as defined therein) shall represent more than 30% of the weight of the index or portfolio, and the five most heavily weighted component fixed-income securities in the index or portfolio shall not in the aggregate account for more than 65% of the weight of the index or portfolio.

[11] BFA represents that when bonds are close substitutes for one another, pricing vendors can use executed trade information from all similar bonds as pricing inputs for an individual security. This can make individual securities more liquid, because valuations for a single security are better estimators of actual trading prices when they are informed by trades in a large group of closely related securities. As a result, securities are more likely to trade at prices close to their valuation when they need to be sold.

[12] 17 CFR 240.10A–3.

dissemination of key information such as the value of the Index and the Intraday Indicative Value (''IIV''),[13] rules governing the trading of equity securities, trading hours, trading halts, surveillance, and the Information Bulletin to Equity Trading Permit Holders (''ETP Holders''), as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.[14]

The current value of the Index will be widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (b)(ii). The IIV for Shares of the Fund will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (c).

Correlation Among Municipal Bond Instruments With Common Characteristics

With respect to the Fund, BFA represents that the nature of the municipal bond market and municipal bond instruments makes it feasible to categorize individual issues represented by CUSIPs (*i.e.,* the specific identifying number for a security) into categories according to common characteristics—specifically, rating, purpose (*i.e.,* general obligation bonds, revenue bonds or ''double-barreled'' bonds),[15] geographical region and maturity. Bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy. Therefore, while 6.25% of the weight of the Index components have a minimum original principal amount outstanding of $100 million or more, the nature of the municipal bond market makes the issues relatively fungible for investment purposes when aggregated into categories such as ratings, purpose, geographical region and maturity. In addition, within a single municipal bond issuer, there are often multiple contemporaneous or sequential issuances that have the same rating, structure and maturity, but have different CUSIPs; these separate issues by the same issuer are also likely to trade similarly to one another.

BFA represents that iShares municipal bond funds are managed utilizing the principle that municipal bond issues are generally fungible in nature when sharing common characteristics, and specifically make use of the four categories referred to above. In addition, this principle is used in, and consistent with, the portfolio construction process for other iShares funds—namely, portfolio optimization. These portfolio optimization techniques are designed to facilitate the creation and redemption process, and to enhance liquidity (among other benefits, such as reducing transaction costs), while still allowing each fund to closely track its reference index.

In addition, individual CUSIPs within the Index that share characteristics with other CUSIPs based on the four categories described above have a high yield to maturity correlation, and frequently have a correlation of one or close to one. Such correlation demonstrates that the CUSIPs within their respective category behave similarly; this reinforces the fungible nature of municipal bond issues for purposes of developing an investment strategy.

The following example reflects the correlation among CUSIPs in the Index.[16] This example shows the correlation of selected constituents that share three common characteristics: rating, purpose and geographical region.

Example 1: Index; yield to maturity of issues sharing three common characteristics: Rating AAA/Aaa;[17] Southeast Region; GO Bonds maturing July 1, 2020:

	161035DF4	266778FB0	373384PM2	373384PN0	373384UE4	373384UQ7	373384VJ2	373384YK6
161035DF4	1.00							
266778FB0	1.00	1.00						
373384PM2	0.89	0.89	1.00					
373384PN0	1.00	1.00	0.89	1.00				
373384UE4	1.00	1.00	0.89	1.00	1.00			
373384UQ7	1.00	1.00	0.89	1.00	1.00	1.00		
373384VJ2	1.00	1.00	0.88	1.00	1.00	1.00	1.00	
373384YK6	1.00	1.00	0.89	1.00	1.00	1.00	1.00	1.00

Creation and Redemption of Shares

According to the Registration Statement, the Fund will issue and redeem Shares on a continuous basis at the net asset value per Share (''NAV'') only in a large specified number of Shares called a ''Creation Unit'', or multiples thereof, with each Creation Unit consisting of 50,000 Shares, provided, however, that from time to time the Fund may change the number of Shares (or multiples thereof) required for each Creation Unit, if the Fund determines such a change would be in the best interests of the Fund.

The consideration for purchase of Creation Units of the Fund generally will consist of the in-kind deposit of a

[13] The IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session of 9:30 a.m. to 4:00 p.m., Eastern time. Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IIVs taken from the Consolidated Tape Association (''CTA'') or other data feeds.

[14] *See, e.g.,* Securities Exchange Act Release Nos. 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca–2007–36) (order approving NYSE Arca generic listing standards for Units based on a fixed income index); 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14) (order approving generic listing standards for Units and Portfolio Depositary Receipts); 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29) (order approving rules for listing and trading of Units).

[15] General obligation (''GO'') bonds are backed by the full faith and credit of the issuer and by its taxing power. Revenue bonds (''REV'') are payable solely from net or gross non-tax revenues derived from a specific project. Double barreled (''DB'') GO bonds are secured by both a specific revenue stream and by the taxing power of the issuer. As of March 17, 2014, the market value of GO, REV and DB bonds in the Index was approximately $7.38 billion, $6.53 billion and $ 91 million, respectively, representing 51.3%, 45.3% and 0.36% of the Index weight, respectively.

[16] Source: Standard and Poor's, January 1, 2013 to January 1, 2014, daily evaluated prices, excluding three CUSIPs which lack daily data for the one year period. (3466226U2, 161035EU0, 346623BU4). Evaluated prices, as defined by Standard and Poor's, are based on a methodology that incorporates, among other things, trade data, broker dealer quotes, new issue pricing, and certain fundamental characteristics such as credit quality and sector.

[17] This is a composite rating among Standard & Poor's, Moody's and Fitch ratings. Under BFA's methodology, the median rating is used if all three ratings are available; the lowest rating is used if only two ratings are available; and, if only one rating is available, that one is used.

designated portfolio of securities (including any portion of such securities for which cash may be substituted) (*i.e.,* the Deposit Securities), which constitutes a representative sample of the securities of the Index,[18] and the Cash Component computed as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The portfolio of securities required for purchase of a Creation Unit may not be identical to the portfolio of securities the Fund will deliver upon redemption of Fund Shares. The Deposit Securities and Fund Securities (as defined below), as the case may be, in connection with a purchase or redemption of a Creation Unit, generally will correspond pro rata, to the extent practicable, to the securities held by such Fund. As the planned termination date of the Fund approaches, and particularly as the bonds held by the Fund begin to mature, the Fund would expect to effect both creations and redemptions increasingly for cash.

The Cash Component will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the ''Deposit Amount,'' which will be an amount equal to the market value of the Deposit Securities, and serve to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. The Fund currently will offer Creation Units for in-kind deposits but reserves the right to utilize a ''cash'' option in lieu of some or all of the applicable Deposit Securities for creation of Shares.

BFA will make available through the National Securities Clearing Corporation (''NSCC'') on each business day, prior to the opening of business on the Exchange, the list of names and the required number or par value of each Deposit Security and the amount of the Cash Component to be included in the current Fund Deposit (based on information as of the end of the previous business day) for the Fund.

The identity and number or par value of the Deposit Securities will change pursuant to changes in the composition of the Fund's portfolio and as rebalancing adjustments and corporate action events will be reflected from time to time by BFA with a view to the investment objective of the Fund. The composition of the Deposit Securities may also change in response to adjustments to the weighting or composition of the component securities constituting the Index.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the Depository Trust Company (''DTC'').

Creation Units may be purchased only by or through a DTC participant that has entered into an ''Authorized Participant Agreement'' (as described in the Registration Statement) with the Distributor (an ''Authorized Participant''). Except as noted below, all creation orders must be placed for one or more Creation Units and must be received by the Distributor in proper form no later than the closing time of the regular trading session of the Exchange (normally 4:00 p.m., Eastern time) in each case on the date such order is placed in order for creation of Creation Units to be effected based on the NAV of Shares of the Fund as next determined on such date after receipt of the order in proper form. Orders requesting substitution of a ''cash in lieu'' amount generally must be received by the Distributor no later than 2:00 p.m., Eastern time. On days when the Exchange or the bond markets close earlier than normal, the Fund may require orders to create Creation Units to be placed earlier in the day.

Fund Deposits must be delivered through the Federal Reserve System (for cash and government securities) and through DTC (for corporate and municipal securities) by an Authorized Participant. The Fund Deposit transfer must be ordered by the DTC participant in a timely fashion so as to ensure the delivery of the requisite number of Deposit Securities through DTC to the account of the Fund by no later than 3:00 p.m., Eastern time, on the ''Settlement Date''. The Settlement Date is generally the third business day after the transmittal date.

A standard creation transaction fee will be imposed to offset the transfer and other transaction costs associated with the issuance of Creation Units.

Shares of the Fund may be redeemed only in Creation Units at the NAV next determined after receipt of a redemption request in proper form by the Distributor and only on a business day. BFA will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities that are applicable to creations of Creation Units.

Unless cash redemptions are available or specified for the Fund, the redemption proceeds for a Creation Unit generally will consist of a specified amount of cash, Fund Securities, plus additional cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a request in proper form, and the value of the specified amount of cash and Fund Securities, less a redemption transaction fee. The Fund currently will redeem Shares for Fund Securities, but the Fund reserves the right to utilize a ''cash'' option for redemption of Shares.

A standard redemption transaction fee will be imposed to offset transfer and other transaction costs that may be incurred by the Fund.

Redemption requests for Creation Units of the Fund must be submitted to the Distributor by or through an Authorized Participant no later than 4:00 p.m. Eastern time on any business day, in order to receive that day's NAV. The Authorized Participant must transmit the request for redemption in the form required by the Fund to the Distributor in accordance with procedures set forth in the Authorized Participant Agreement.

Detailed descriptions of the Fund, the Index, procedures for creating and redeeming Shares, transaction fees and expenses, dividends, distributions, taxes, risks, and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statement or on the Web site for the Fund (*www.iShares.com*), as applicable.

Net Asset Value

The NAV of the Fund will be calculated by dividing the value of the net assets of the Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of outstanding shares of the Fund, generally rounded to the nearest cent. The NAV of the Fund normally will be determined once each business day as of the regularly scheduled close of business of the New York Stock Exchange (''NYSE'')

[18] According to the Registration Statement, ''representative sampling'' is an indexing strategy that involves investing in a representative sample of securities that collectively has an investment profile similar to the Index. The securities selected are expected to have, in the aggregate, investment characteristics (based on factors such as market capitalization and industry weightings), fundamental characteristics (such as return variability, duration, maturity or credit ratings and yield) and liquidity measures similar to those of the Index. The Fund may or may not hold all of the securities in the Index.

(normally, 4:00 p.m. Eastern time) on each day the NYSE is open for trading.

The value of the securities and other assets and liabilities held by the Fund will be determined pursuant to valuation policies and procedures approved by the Fund's Board of Trustees (''Board'').

The Fund will value fixed income portfolio securities, including municipal bonds, AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper using prices provided directly from independent third-party pricing services which may use matrix pricing and valuation models to derive values or from one or more broker-dealers or market makers. Certain short-term debt securities may be valued on the basis of amortized cost. Shares of municipal money market funds will be valued at NAV.

When market quotations are not readily available or are believed by BFA to be unreliable, the Fund's investments will be valued at fair value. Fair value determinations are made by BFA in accordance with policies and procedures approved by the Fund's Board. BFA may conclude that a market quotation is not readily available or is unreliable if a security or other asset or liability does not have a price source due to its lack of liquidity, if a market quotation differs significantly from recent price quotations or otherwise no longer appears to reflect fair value, where the security or other asset or liability is thinly traded, or where there is a significant event subsequent to the most recent market quotation. A ''significant event'' is an event that, in the judgment of BFA, is likely to cause a material change to the closing market price of the asset or liability held by the Fund.

Fair value represents a good faith approximation of the value of an asset or liability. The fair value of an asset or liability held by the Fund is the amount the Fund might reasonably expect to receive from the current sale of that asset or the cost to extinguish that liability in an arm's-length transaction.

Availability of Information

On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day.[19]

On a daily basis, the Fund will disclose for each portfolio security or other financial instrument of the Fund the following information on the Fund's Web site: Ticker symbol (if applicable), name of security and financial instrument, a common identifier such as CUSIP or ISIN (if applicable), number of shares (if applicable), and dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

The current value of the Index will be widely disseminated by one or more major market data vendors at least once per day, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (b)(ii). The Intraday Indicative Value (''IIV'') for Shares of the Fund will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session, as required by NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 (c).

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and its Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high speed line. Quotation information for investment company securities (excluding ETFs) may be obtained through nationally recognized pricing services through subscription agreements or from brokers and dealers who make markets in such securities. Price information regarding municipal bonds, AMT-free tax-exempt municipal notes, variable rate demand notes and obligations, tender option bonds and municipal commercial paper is available from third party pricing services and major market data vendors.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Equities Rules 5.2(j)(3) and 5.5(g)(2), respectively (except for those set forth in Commentary .02(a)(2)). The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3[20] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of the Fund will be calculated daily and that the NAV per Share will be made available to all market participants at the same time.

Trading Halts

The Exchange will halt trading in the Shares if the circuit breaker parameters of NYSE Arca Equities Rule 7.12 have been reached. In exercising its discretion to halt or suspend trading in the Shares, the Exchange may consider factors such as the extent to which trading in the underlying securities is not occurring or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present, in addition to other factors that may be relevant. If the IIV (as defined in Commentary .01 to Rule 5.2(j)(3)) or the Index value is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the Index value occurs. If the interruption to the

[19] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[20] 17 CFR 240.10A–3.

dissemination of the IIV or the Index value persists past the trading day in which it occurred, the Exchange will halt trading.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (4) how information regarding the IIV is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [21] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 5.2(j)(3). The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[22] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets or other entities that are members of the Intermarket Surveillance group (''ISG''), and FINRA may obtain trading information regarding trading in the Shares from such markets or entities. FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). In addition, the Exchange may obtain information regarding trading in the Shares from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

The Index Provider is not a broker-dealer or affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Index. With respect to the Fund, as of February 28, 2014, there were 1,427 issues in the Index. As of February 28, 2014, 76.77% of the weight of the Index components was comprised of individual maturities that were part of an entire municipal bond offering with a minimum original principal amount outstanding of $100 million or more for all maturities of the offering. In addition, the total dollar amount outstanding of issues in the Index was approximately $ 12.06 billion and the average dollar amount outstanding of issues in the Index was approximately $ 8.46 million. Further, the most heavily weighted component represents 1.21% of the weight of the Index and the five most heavily weighted components represent 5.39% of the weight of the Index. Therefore, the Index is sufficiently broad-based and sufficiently liquid to deter potential manipulation. The Index value, calculated and disseminated at least once daily, as well as the components of the Index and its percentage weightings, will be available from major market data vendors. In addition, the portfolio of securities held by the Fund will be disclosed on the Fund's Web site at *www.iShares.com.* The IIV for Shares of the Fund will be disseminated by one or more major market data vendors, updated at least every 15 seconds during the Exchange's Core Trading Session. According to the Registration Statement, BFA expects that, over time, the Fund's tracking error will not exceed 5%. BFA represents that bonds that share similar characteristics, as described above, tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective. Within a single municipal bond issuer, BFA represents that separate issues by the same issuer are also likely to trade similarly to one another. In addition, BFA represents that individual CUSIPs within the Index that share characteristics with other CUSIPs based on the four categories described above have a high yield to maturity correlation, and frequently have a correlation of one or close to one.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Fund's portfolio holdings will be disclosed on the Fund's Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IIV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. The current value of the Index will be disseminated by one or more major market data vendors at least once per day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange

[21] 15 U.S.C. 78f(b)(5).

[22] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. If the Exchange becomes aware that the NAV is not being disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV is available to all market participants. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. If the IIV or the Index values are not being disseminated as required, the Corporation may halt trading during the day in which the interruption to the dissemination of the IIV or Index value occurs. If the interruption to the dissemination of the IIV or Index value persists past the trading day in which it occurred, the Corporation will halt trading. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 7.34, which sets forth circumstances under which Shares of the Fund may be halted. In addition, investors will have ready access to information regarding the IIV, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of exchange-traded fund that holds municipal bonds and that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, investors will have ready access to information regarding the IIV and quotation and last sale information for the Shares.

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 purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of another exchange-traded product that holds municipal securities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period 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 self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2014–37 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–2014–37. 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 Section, 100 F Street NE., Washington, DC 20549, on official business days between 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2014–37 and should be submitted on or before June 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11705 Filed 5–20–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72169; File No. SR–NASDAQ–2014–050]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the First Trust Strategic Income ETF of First Trust Exchange-Traded Fund IV

May 15, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 5, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in in Items I, II, and III below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the First Trust Strategic Income ETF (the ''Fund'') of First Trust Exchange-Traded Fund IV (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/*, at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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 list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Massachusetts business trust on September 15, 2010.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund will be a series of the Trust. The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.

First Trust Advisors L.P. will be the investment adviser (''Adviser'') to the Fund. The following will serve as investment sub-advisers (each a ''Sub-Adviser'') to the Fund: First Trust Global Portfolios Ltd (''First Trust Global''); Energy Income Partners, LLC (''EIP''); Stonebridge Advisors LLC (''Stonebridge''); and Richard Bernstein Advisors LLC (''RBA''). First Trust Portfolios L.P. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon Corporation (''BNY'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. Neither the Adviser nor any Sub-Adviser is a broker-dealer, although the Adviser, First Trust Global, EIP and Stonebridge are each affiliated with a broker-dealer.[8] The Adviser and the foregoing Sub-Advisers have each implemented a fire wall with respect to their respective broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In addition, personnel who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Adviser or a Sub-Adviser becomes, or becomes newly affiliated with, a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see, e.g.,* Securities Exchange Act Release Nos. 69464 (April 26, 2013), 78 FR 25774 (May 2, 2013) (SR–NASDAQ–2013–036) (order approving listing and trading of First Trust Senior Loan Fund); 68972 (February 22, 2013), 78 FR 13721 (February 28, 2013) (SR–NASDAQ–2012–147) (order approving listing and trading of First Trust High Yield Long/Short ETF); 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30029 (April 10, 2012) (File No. 812–13795) (the ''Exemptive Relief''). In addition, the Commission has issued no-action relief, upon which the Trust may rely, pertaining to the Fund's ability to invest in derivatives notwithstanding certain representations in the application for the Exemptive Relief. *See* Commission No-Action Letter (December 6, 2012).

[6] *See* Post-Effective Amendment No. 67 to Registration Statement on Form N–1A for the Trust, dated May 2, 2014 (File Nos. 333–174332 and 811–22559). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser, the Sub-Advisers and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] RBA is currently not affiliated with a broker-dealer.

public information regarding such portfolio.

First Trust Strategic Income ETF

General Investment Approach and Parameters

The primary investment objective of the Fund will be to seek risk-adjusted income and its secondary objective will be capital appreciation. Under normal market conditions,[9] the Fund will seek to achieve its investment objectives by following a strategic and tactical asset allocation process that will provide diversified exposure to income-producing asset classes.

The Fund will be a multi-manager, multi-strategy actively-managed exchange-traded fund. The Adviser will determine the Fund's strategic allocation among various general investment categories and allocate the Fund's assets to portfolio management teams comprised of personnel of the Adviser and/or a Sub-Adviser (each a ''Management Team'') which will employ their respective investment strategies. The Fund's investment categories will be: (i) High yield corporate bonds and first lien senior secured floating rate bank loans (referred to as ''senior loans''); (ii) mortgage-related investments; (iii) preferred securities; (iv) international sovereign bonds; (v) equity securities of Energy Infrastructure Companies (as defined herein); and (vi) dividend paying domestic equity securities and Depositary Receipts (as defined herein), together with a related option overlay strategy. (The foregoing investment categories and related investment strategies are described in more detail below under ''Investment Categories and Related Investment Strategies.'') In addition to the option overlay strategy referenced in investment category (vi), the Management Teams may utilize derivative instruments in implementing their respective investment strategies for the Fund. *See* ''Derivative Instruments'' below.

The Fund may add or remove investment categories or Management Teams at the Adviser's discretion. The Fund will seek to provide income and total return by having each Management Team focus on those securities within its respective investment category. The Fund may invest in securities directly or, alternatively, may invest in other ETFs that generally provide exposure to the various investment categories.[10] The Adviser expects that the Fund may at times invest significantly (and, potentially, may invest up to 50% of its net assets) in other ETFs, including but not limited to, other ETFs that are advised by the Adviser; however, the Fund does not intend to operate principally as a ''fund of funds.'' Any other ETFs in which the Fund invests to gain exposure to an investment category may be subject to investment parameters that differ in certain respects from those that have been established for such investment category which are described below under ''Investment Categories and Related Investment Strategies.''

To enhance expected return, the Adviser's investment committee will, on a generally periodic basis, tactically adjust investment category weights. Security selection will be performed for the Fund by the Adviser and/or a Sub-Adviser.

With respect to each investment category, the liquidity of a security will be a substantial factor in the Fund's security selection process. The Fund will not purchase any securities or other assets that, in the opinion of the applicable Management Team, are illiquid if, as a result, more than 15% of the value of the Fund's net assets will be invested in illiquid assets (the ''15% Limitation'').[11] Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[12] The Adviser will communicate with the various Management Teams regarding the Fund's ongoing compliance with the 15% Limitation.

Except as specifically provided below under ''Investment Categories and Related Investment Strategies,'' the fixed income and equity securities in which the Fund will invest may be issued by U.S. and non-U.S. issuers of all kinds and of any capitalization range and credit quality. The Fund represents that its portfolio will include a minimum of 13 non-affiliated issuers of fixed income securities. In addition, the fixed income securities in which the Fund will invest may have effective or final maturities of any length. At least 90% of the Fund's net assets that are invested in exchange-traded equity securities of both domestic and foreign issuers, exchange-traded products and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of the Intermarket Surveillance Group (''ISG''), which includes all U.S. national securities exchanges and certain foreign exchanges, or are parties to a comprehensive surveillance sharing agreement with the Exchange.[13]

The Fund may invest in the equity securities (including without limitation preferred securities) of foreign issuers, either directly or through investments that are in the form of American Depositary Receipts (''ADRs'') or Global Depositary Receipts (''GDRs'' and, together with ADRs, ''Depositary

[9] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or *force majeure* type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[10] An ETF is an investment company registered under the 1940 Act that holds a portfolio of securities. Many ETFs are designed to track the performance of a securities index, including industry, sector, country and region indexes. ETFs included in the Fund will be listed and traded in the U.S. on registered exchanges. The Fund may invest in the securities of ETFs in excess of the limits imposed under the 1940 Act pursuant to exemptive orders obtained by other ETFs and their sponsors from the Commission. In addition, the Fund may invest in the securities of certain other investment companies, including ETFs, in excess of the limits imposed under the 1940 Act pursuant to an exemptive order obtained by the Trust and the Adviser from the Commission. *See* Investment Company Act Release No. 30377 (February 5, 2013) (File No. 812–13895). The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705), Portfolio Depository Receipts (as described in Nasdaq Rule 5705), and Managed Fund Shares (as described in Nasdaq Rule 5735). While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X or –3X) ETFs.

[11] In reaching liquidity decisions, the Adviser and/or Management Team may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[12] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[13] For a list of the current members of ISG, *see www.isgportal.org.*

Receipts'').[14] The Depositary Receipts in which the Fund invests will be exchange-traded and will not include unsponsored Depositary Receipts.

The Fund's exposure to any single country (outside of the U.S.) will generally be limited to 20% of the Fund's net assets. The portion of the Fund's net assets that may be denominated in currencies other than the U.S. dollar is not expected to exceed 30%. To the extent the Fund invests in such assets, the value of the assets of the Fund as measured in U.S. dollars will be affected by changes in exchange rates.

The Fund may from time to time purchase securities on a ''when-issued'' or other delayed-delivery basis. To the extent required under applicable federal securities laws (including the 1940 Act), rules, and interpretations thereof, the Fund will ''set aside'' liquid assets or engage in other measures to ''cover'' open positions held in connection with the foregoing types of transactions.[15]

Investment Categories and Related Investment Strategies

The investment categories in which the Fund intends to invest and the investment strategies that the applicable Management Teams are expected to pursue are described below:

• *High Yield Corporate Bonds and Senior Loans.* The Fund intends to invest between 0% and 30%, but may invest up to 50%, of its net assets in a combination of high yield corporate bonds and senior loans.[16] Such bonds and loans in which the Fund invests directly will be issued by entities domiciled in the United States. Under normal market conditions, the Fund will seek to invest at least 75% of its net assets that are invested in such bonds and loans (in the aggregate) in bonds and loans that, at the time of original issuance, have at least $100 million par amount outstanding.

The high yield corporate bonds in which the Fund will invest will be rated below investment grade [17] at the time of purchase or unrated and deemed by the Adviser and/or the applicable Management Team to be of comparable quality,[18] commonly referred to as ''junk'' bonds. For purposes of determining whether a security is below investment grade, the lowest available rating will be considered. High yield debt may be issued, for example, by companies without long track records of sales and earnings or by issuers that have questionable credit strength. Corporate bonds may carry fixed or floating rates of interest.

The senior loans in which the Fund will invest will represent amounts borrowed by companies or other entities from banks and other lenders. In many cases, senior loans are issued in connection with recapitalizations, acquisitions, leveraged buyouts, and refinancings. A significant portion of the senior loans in which the Fund will invest are expected to be rated below investment grade or unrated.

A senior loan is considered senior to all other unsecured claims against the borrower, and senior to or *pari passu* with all other secured claims, meaning that in the event of a bankruptcy, the senior loan, together with all other first lien claims, is entitled to be the first to be repaid out of the proceeds of the assets securing the loans, before other existing unsecured claims or interests receive repayment. However, in bankruptcy proceedings, there may be other claims, such as taxes or additional advances, which take precedence.

Senior loans have interest rates that reset periodically. The interest rates on senior loans are generally based on a percentage above the London Interbank Offered Rate (LIBOR), a U.S bank's prime or base rate, the overnight federal funds rate, or another rate. Senior loans may be structured and administered by a financial institution that acts as the agent of the lenders participating in the senior loan. The Fund may acquire senior loans directly from a lender or through the agent, as an assignment from another lender who holds a senior loan, or as a participation interest in another lender's senior loan or portion thereof.

The Fund will generally invest in senior loans that the Adviser and/or the applicable Management Team deems to be liquid with readily available prices.

The Management Team does not intend to purchase senior loans that are in default; however, the Fund may hold a senior loan that has defaulted subsequent to the purchase by the Fund.

• *Mortgage-Related Investments.* The Fund intends to invest between 0% and 30%, but may invest up to 50%, of its net assets in the mortgage-related debt securities and other mortgage-related instruments described below (collectively, ''Mortgage-Related Investments'').

The Mortgage-Related Investments in which the Fund invests will primarily consist of investment grade securities (*i.e.,* securities with credit ratings within the four highest rating categories of an NRSRO at the time of purchase or securities that are unrated and deemed by the Adviser and/or the applicable Management Team to be of comparable quality [19] at the time of purchase). If a security is rated by multiple NRSROs and receives different ratings, the Fund will treat the security as being rated in the highest rating category received from an NRSRO. In addition, if a security experiences a decline in credit quality and falls below investment grade, the Fund may continue to hold the security.

The types of Mortgage-Related Investments in which the Fund will invest are described in the following three paragraphs:

The Fund will invest in mortgage-backed securities (such as residential mortgage-backed securities (RMBS) and commercial mortgage-backed securities (CMBS)). Mortgage-backed securities represent an interest in a pool of mortgage loans made by banks and other financial institutions to finance purchases of homes, commercial buildings and other real estate. The individual mortgage loans are packaged or ''pooled'' together for sale to investors. As the underlying mortgage

[14] ADRs are U.S. dollar denominated receipts typically issued by U.S. banks and trust companies that evidence ownership of underlying securities issued by a foreign issuer. GDRs are receipts issued throughout the world that evidence a similar arrangement. ADRs and GDRs may trade in currencies that differ from the currency in which the underlying security trades. Generally, ADRs, in registered form, are designed for use in the U.S. securities markets. GDRs, in registered form, are traded both in the United States and in Europe and are designed for use throughout the world.

[15] With respect to guidance under the 1940 Act, *see* 15 U.S.C. 80a–18; Investment Company Act Release No. 10666 (April 18, 1979), 44 FR 25128 (April 27, 1979); *Dreyfus Strategic Investing,* Commission No-Action Letter (June 22, 1987); *Merrill Lynch Asset Management, L.P.,* Commission No-Action Letter (July 2, 1996).

[16] For the avoidance of doubt, this investment category and these percentages will not include so-called baby bonds, which are included in ''Preferred Securities'' (described below).

[17] Securities rated below investment grade include securities that are rated Ba1/BB+/BB+ or below by Moody's Investors Service, Inc. (''Moody's''), Fitch Ratings (''Fitch''), or Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. (''S&P Ratings''), respectively, or another nationally recognized statistical rating organization (''NRSRO'').

[18] Comparable quality of unrated securities will be determined by the Adviser and/or the applicable Management Team based on fundamental credit analysis of the unrated security and comparable NRSRO-rated securities. On a best efforts basis, the Adviser and/or the applicable Management Team will attempt to make a rating determination based on publicly available data. In making a ''comparable quality'' determination, the Adviser and/or the applicable Management Team may consider, for example, whether the issuer of the security has issued other rated securities, the nature and provisions of the relevant security, whether the obligations under the relevant security are guaranteed by another entity and the rating of such guarantor (if any), relevant cash flows, macroeconomic analysis, and/or sector or industry analysis.

[19] *See* note 18.

loans are paid off, investors receive principal and interest payments.[20]

The mortgage-backed securities in which the Fund will invest may be, but are not required to be, issued or guaranteed by the U.S. government, its agencies or instrumentalities, such as Ginnie Mae and U.S. government-sponsored entities, such as Fannie Mae and Freddie Mac (the U.S. government, its agencies and instrumentalities, and U.S. government-sponsored entities are referred to collectively as ''Government Entities'').[21] The Fund, however, will limit its investments in mortgage-backed securities that are not issued or guaranteed by Government Entities to 20% of its net assets. Many mortgage-backed securities are pass-through securities, which means they provide investors with monthly payments consisting of a pro rata share of both regular interest and principal payments as well as unscheduled prepayments on the underlying mortgage loans. Because prepayment rates of individual mortgage pools vary widely, the average life of a particular pool cannot be predicted accurately. Adjustable rate mortgage-backed securities include ARMS and other mortgage-backed securities with interest rates that adjust periodically to reflect prevailing market rates.

Additionally, the Fund may invest in mortgage dollar rolls.[22] The Fund intends to enter into mortgage dollar rolls only with high quality securities dealers and banks, as determined by the Adviser. The Fund may also invest in to-be-announced transactions (''TBA Transactions'').[23] Further, the Fund may enter into short sales as part of its overall portfolio management strategies or to offset a potential decline in the value of a security; however, the Fund does not expect, under normal market conditions, to engage in short sales with respect to more than 30% of the value of its net assets that are invested in Mortgage-Related Investments. To the extent required under applicable federal securities laws, rules, and interpretations thereof, the Fund will ''set aside'' liquid assets or engage in other measures to ''cover'' open positions and short positions held in connection with the foregoing types of transactions.[24]

• *Preferred Securities.* The Fund intends to invest between 0% and 30%, but may invest up to 50%, of its net assets in preferred securities issued by U.S. and non-U.S. issuers.[25] Under normal market conditions, the Fund will seek to invest at least 75% of its net assets that are invested in preferred securities in preferred securities that have a minimum initial issuance amount of at least $100 million. Initially, at least 50% of the Fund's net assets that are invested in preferred securities will be invested in exchange-listed preferred securities, although this percentage may decrease in the future. Preferred securities held by the Fund will generally pay fixed or adjustable rate distributions to investors and will have preference over common stock in the payment of distributions and the liquidation of a company's assets, which means that a company typically must pay dividends or interest on its preferred securities before paying any dividends on its common stock. Preferred securities are generally junior to all forms of the company's debt, including both senior and subordinated debt.

• *International Sovereign Bonds.* The Fund intends to invest between 0% and 30%, but may invest up to 50%, of its net assets in debt securities, including inflation-linked bonds,[26] issued by foreign governments or their subdivisions, agencies and government-sponsored enterprises (''Sovereign Debt'').[27] At least 50% of the Fund's net

[20] Mortgage-backed securities may be fixed rate or adjustable rate mortgage-backed securities (ARMS). Certain mortgage-backed securities (including RMBS and CMBS), where mortgage payments are divided up between paying the loan's principal and paying the loan's interest, are referred to as stripped mortgage-backed securities (SMBS). Further, mortgage-backed securities can also be categorized as collateralized mortgage obligations (CMOs) or real estate mortgage investment conduits (REMICs) where they are divided into multiple classes with each class being entitled to a different share of the principal and/or interest payments received from the pool of underlying assets.

[21] Securities issued or guaranteed by Government Entities have different levels of credit support. For example, Ginnie Mae securities carry a guarantee as to the timely repayment of principal and interest that is backed by the full faith and credit of the U.S. government. However, the full faith and credit guarantee does not apply to the market prices and yields of the Ginnie Mae securities or to the net asset value, trading price or performance of the Fund, which will vary with changes in interest rates and other market conditions. Fannie Mae and Freddie Mac pass-through mortgage certificates are backed by the credit of the respective Government Entity and are not guaranteed by the U.S. government. Other securities issued by Government Entities (other than the U.S. government) may only be backed by the creditworthiness of the issuing institution, not the U.S. government, or the issuers may have the right to borrow from the U.S. Treasury to meet their obligations.

[22] In a mortgage dollar roll, the Fund will sell (or buy) mortgage-backed securities for delivery on a specified date and simultaneously contract to repurchase (or sell) substantially similar (same type, coupon and maturity) securities on a future date. During the period between a sale and repurchase, the Fund will forgo principal and interest paid on the mortgage-backed securities. The Fund will earn or lose money on a mortgage dollar roll from any difference between the sale price and the future purchase price. In a sale and repurchase, the Fund will also earn money on the interest earned on the cash proceeds of the initial sale.

[23] A TBA Transaction is a method of trading mortgage-backed securities. TBA Transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery. In a TBA Transaction, the buyer and the seller agree on general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date. The mortgage TBA market is liquid and positions can be easily added, rolled or closed. According to the Financial Industry Regulatory Authority (''FINRA'') Trade Reporting and Compliance Engine (''TRACE'') data, TBA Transactions represented approximately 93% of total trading volume for agency mortgage-backed securities in the month of January 2014.

[24] *See* note 15 regarding guidance under the 1940 Act.

[25] For the avoidance of doubt, this investment category and these percentages will not include those investments in preferred securities that are included in ''Equity Securities of Energy Infrastructure Companies'' (described below). Certain of the preferred securities in which the Fund will invest will be traditional preferred stocks that issue dividends that qualify for the dividends received deduction under which ''qualified'' domestic corporations are able to exclude a percentage of the dividends received from their taxable income. Other preferred securities in which the Fund will invest will be preferred stocks that do not issue dividends that qualify for the dividends received deduction or generate qualified dividend income. Additionally, certain of the preferred securities in which the Fund will invest may be so-called baby bonds (*i.e.,* small denomination, typically $25 par value, bonds that often have certain characteristics associated with fixed income securities sold to retail investors (for example, they typically pay a quarterly coupon and are typically investment grade)). Hybrid preferred securities, another type of preferred securities, are typically junior and fully subordinated liabilities of an issuer or the beneficiary of a guarantee that is junior and fully subordinated to the other liabilities of the guarantor.

[26] Inflation-linked bonds are fixed income securities that are structured to provide protection against inflation. The value of the inflation-linked bond's principal or the interest income paid on the bond is adjusted to track changes in an official inflation measure. The value of inflation-linked bonds is expected to change in response to changes in real interest rates. Real interest rates are tied to the relationship between nominal interest rates and the rate of inflation. If nominal interest rates increase at a faster rate than inflation, real interest rates may rise, leading to a decrease in the value of inflation-linked bonds.

[27] For the avoidance of doubt, Sovereign Debt includes debt obligations denominated in local currencies or U.S. dollars. Moreover, given that it includes debt issued by subdivisions, agencies and government-sponsored enterprises, Sovereign Debt may include debt commonly referred to as ''quasi-sovereign debt.'' Sovereign Debt may also include issues denominated in emerging market local currencies that are issued by ''supranational issuers,'' such as the International Bank for Reconstruction and Development and the International Finance Corporation, as well as development agencies supported by other national governments. According to the Adviser and the applicable Management Team, while there is no universally accepted definition of what constitutes an ''emerging market,'' in general, emerging market countries are characterized by developing commercial and financial infrastructure with significant potential for economic growth and increased capital market participation by foreign investors.

assets that are invested in Sovereign Debt will be invested in securities of issuers rated investment grade (BBB−/Baa3 or higher) at the time of purchase by at least one NRSRO and unrated securities judged to be of comparable quality [28] by the Adviser and/or the applicable Management Team. Up to 50% of its net assets invested in Sovereign Debt may be invested in securities of issuers rated below investment grade at the time of purchase (*i.e.,* ''junk'' bonds). If a security or issuer is rated by multiple NRSROs and receives different ratings, the Fund will treat the security or issuer (as applicable) as being rated in the highest rating category received from an NRSRO. In addition, if a security or issuer (as applicable) experiences a decline in credit quality and falls below investment grade, the Fund may continue to hold the security and it will not count toward the investment limit; however, the security will be taken into account for purposes of determining whether purchases of additional securities will cause the Fund to violate such limit.

The Fund intends to invest in Sovereign Debt of issuers in both developed and emerging markets.[29] In addition, the Fund expects that, under normal market conditions, at least 80% of the Sovereign Debt in which it invests will be issued by issuers with outstanding debt of at least $200 million (or the foreign currency equivalent thereof).

• *Equity Securities of Energy Infrastructure Companies.* The Fund intends to invest between 0% and 50% of its net assets in exchange-traded equity securities of companies deemed by the applicable Management Team to be engaged in the energy infrastructure sector. These companies principally include publicly-traded master limited partnerships and limited liability companies taxed as partnerships (''MLPs'') (described below), MLP affiliates (described below), ''Canadian Income Equities,'' which are successor companies to Canadian income trusts,[30] pipeline companies, utilities, and other companies that derive at least 50% of their revenues from operating or providing services in support of infrastructure assets such as pipelines, power transmission and petroleum and natural gas storage in the petroleum, natural gas and power generation industries (collectively, ''Energy Infrastructure Companies'').

As indicated above, the Fund may invest in the equity securities of MLPs. MLPs are limited partnerships whose shares (or units) are listed and traded on a U.S. securities exchange. MLP units may be common or subordinated.[31] In addition, the Fund may invest in I-Shares,[32] which represent an ownership interest issued by an affiliated party of an MLP. The MLP affiliate uses the proceeds from the sale of I-Shares to purchase limited partnership interests in the MLP in the form of i-units. I-units have similar features as MLP common units in terms of voting rights, liquidation preference and distributions. However, rather than receiving cash, the MLP affiliate receives additional i-units in an amount equal to the cash distributions received by MLP common units. Similarly, holders of I-Shares will receive additional I-Shares, in the same proportion as the MLP affiliates' receipt of i-units, rather than cash distributions. I-Shares themselves have limited voting rights which are similar to those applicable to MLP common units. I-Shares are listed and traded on a U.S. national securities exchange.

• *Dividend Paying Domestic Equity Securities and Depositary Receipts and Related Option Overlay Strategy.* The Fund intends to invest between 0% and 30%, but may invest up to 50%, of its net assets in dividend paying U.S. exchange-traded equity securities (including common stock) of companies domiciled in the United States and Depositary Receipts.[33] In connection with its investments in dividend paying domestic equity securities, the Fund may use an option overlay strategy (the ''Option Overlay Strategy'').[34] To implement this strategy, the Fund will write (sell) covered U.S. exchange-traded call options in order to seek additional cash flow in the form of premiums on the options. The market value of the Option Overlay Strategy may be up to 30% of the Fund's overall net asset value and the notional value of the calls written may be up to 30% of the overall Fund. The maturity of the options utilized will generally be between one week and three months. The options written may be in-the-money, at-the-money or out-of-the-money.

Derivative Instruments

As described below, the Fund may invest in derivative instruments.[35] Not including the Option Overlay Strategy, no more than 20% of the value of the Fund's net assets will be invested in derivative instruments (the ''20% Limitation'').[36] In general, the Fund may invest in exchange-listed futures contracts, exchange-listed options,

[28] *See* note 18.

[29] The Fund intends, initially, to invest in Sovereign Debt of the following issuers: Argentina; Brazil; Chile; Colombia; Costa Rica; Dubai (United Arab Emirates); Hungary; Indonesia; Malaysia; Mexico; Nigeria; Peru; Philippines; Poland; Qatar; Romania; Russia; South Africa; South Korea; Sri Lanka; Thailand; Turkey; Venezuela; and Vietnam, although this list may change based on market developments. The percentage of Fund assets invested in a specific region, country or issuer will change from time to time.

[30] The term ''Canadian income trusts'' refers to qualified income trusts designated by the Canada Revenue Agency that derive income and gains from the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil or products thereof), or the marketing of any mineral or natural resources.

[31] MLPs generally have two classes of owners, the general partner and limited partners. The general partner, which is generally a major energy company, investment fund or the management of the MLP, typically controls the MLP through a 2% general partner equity interest in the MLP plus common units and subordinated units. Limited partners own the remainder of the partnership, through ownership of common units, and have a limited role in the partnership's operations and management.

[32] As a matter of clarification, the ''I-Shares'' referred to herein are not ''iShares'' ETFs.

[33] For the avoidance of doubt, this investment category and these percentages will not include investments in preferred securities (described above under ''Preferred Securities''), investments in those equity securities that are included in ''Equity Securities of Energy Infrastructure Companies'' (described above), or investments in ETFs that are intended to provide exposure to any of the other five investment categories (*see* ''General Investment Approach and Parameters'' above).

[34] The Fund's investments in options in connection with the Option Overlay Strategy will not be included for purposes of determining compliance with the 20% Limitation (defined below).

[35] The Fund may invest in derivative instruments for various purposes, such as to seek to enhance return, to hedge some of the risks of its investments in securities, as a substitute for a position in the underlying asset, to reduce transaction costs, to maintain full market exposure (which means to adjust the characteristics of its investments to more closely approximate those of the markets in which it invests), to manage cash flows, to limit exposure to losses due to changes to non-U.S. currency exchange rates or to preserve capital.

[36] Because the Option Overlay Strategy will be excluded from the 20% Limitation, the Fund's total investments in derivative instruments may exceed 20% of the value of its net assets. The Fund will limit its direct investments in futures and options on futures to the extent necessary for the Adviser to claim the exclusion from regulation as a ''commodity pool operator'' with respect to the Fund under Rule 4.5 promulgated by the Commodity Futures Trading Commission (''CFTC''), as such rule may be amended from time to time. Under Rule 4.5 as currently in effect, the Fund will limit its trading activity in futures and options on futures (excluding activity for ''bona fide hedging purposes,'' as defined by the CFTC) such that it will meet one of the following tests: (i) Aggregate initial margin and premiums required to establish its futures and options on futures positions will not exceed 5% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions; or (ii) aggregate net notional value of its futures and options on futures positions will not exceed 100% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions.

exchange-listed options on futures contracts, and exchange-listed stock index options.[37]

Primarily in connection with its investments in Sovereign Debt (but, to the extent applicable, in connection with other investments), the Fund may actively manage its foreign currency exposures, including through the use of forward currency contracts, non-deliverable forward currency contracts, exchange-listed currency futures and exchange-listed currency options; such derivatives use will be included for purposes of determining compliance with the 20% Limitation. The Fund may, for instance, enter into forward currency contracts in order to ''lock in'' the exchange rate between the currency it will deliver and the currency it will receive for the duration of the contract[38] and may buy or sell exchange-listed futures contracts on U.S. Treasury securities, non-U.S. government securities and major non-U.S. currencies.

The Fund will comply with the regulatory requirements of the Commission to maintain assets as ''cover,'' maintain segregated accounts, and/or make margin payments when it takes positions in derivative instruments involving obligations to third parties (*i.e.,* instruments other than purchase options). If the applicable guidelines prescribed under the 1940 Act so require, the Fund will earmark or set aside cash, U.S. government securities, high grade liquid debt securities and/or other liquid assets permitted by the Commission in a segregated custodial account in the amount prescribed.[39]

The Fund will only enter into transactions in derivative instruments with counterparties that the Adviser and/or the applicable Management Team reasonably believes are capable of performing under the applicable contract.[40]

The Fund's investments in derivative instruments will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index.

Other Investments

Under normal market conditions, the Fund will invest substantially all of its assets to meet its investment objectives and, as described above, the Fund may invest in derivative instruments. In addition, the Fund may invest its remaining assets in other securities and financial instruments, as generally described below.

The Fund may invest up to 20% of its net assets in short-term debt securities, money market funds and other cash equivalents, or it may hold cash. The percentage of the Fund invested in such holdings will vary and will depend on several factors, including market conditions. For temporary defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund (as a whole or with respect to one or more investment categories) may depart from its principal investment strategies and invest part or all of its assets in these securities or it may hold cash. During such periods, the Fund may not be able to achieve its investment objectives. The Fund (as a whole or with respect to one or more investment categories) may adopt a defensive strategy when the Adviser and/or a Management Team believe securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

Short-term debt securities are securities from issuers having a long-term debt rating of at least A by S&P Ratings, Moody's or Fitch and having a maturity of one year or less. The use of temporary investments will not be a part of a principal investment strategy of the Fund.

Short-term debt securities are the following: (1) Fixed rate and floating rate U.S. government securities, including bills, notes and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. government agencies or instrumentalities; (2) short-term securities issued or guaranteed by non-U.S. governments or by their agencies or instrumentalities;[41] (3) certificates of deposit issued against funds deposited in a bank or savings and loan association; (4) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (5) repurchase agreements,[42] which involve purchases of debt securities; (6) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (7) commercial paper, which is short-term unsecured promissory notes; and (8) other securities that are similar to the foregoing. The Fund may only invest in commercial paper rated A–1 or higher by S&P Ratings, Prime-1 or higher by Moody's or F1 or higher by Fitch.

In addition, to manage foreign currency exposures, the Fund may invest directly in foreign currencies, including without limitation in the form of bank and financial institution deposits, certificates of deposit, and bankers' acceptances denominated in a specified non-U.S. currency.

The Fund may invest in the securities of money market funds. The Fund may also invest in the securities of other ETFs that invest primarily in short-term debt securities, in addition to any

[37] Any exchange-traded derivatives in which the Fund invests will trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. The exchange-listed futures and options contracts in which the Fund may invest will be listed on exchanges in the U.S., Europe, London, Hong Kong, Singapore, Australia or Canada. The United Kingdom's primary financial markets regulator (the Financial Conduct Authority), Hong Kong's primary financial markets regulator (the Securities and Futures Commission), Singapore's primary financial markets regulator (the Monetary Authority of Singapore), Australia's primary financial markets regulator (the Australian Securities and Investments Commission), and certain Canadian financial markets regulators (including the Alberta Securities Commission, the British Columbia Securities Commission, the Ontario Securities Commission, and Autorite des marches financiers (Quebec)) are signatories to the International Organization of Securities Commissions (''IOSCO'') Multilateral Memorandum of Understanding (''MMOU''), which is a multi-party information sharing arrangement among financial regulators. Both the Commission and the Commodity Futures Trading Commission are signatories to the IOSCO MMOU.

[38] The Fund will invest only in currencies, and instruments that provide exposure to such currencies, that have significant foreign exchange turnover and are included in the Bank for International Settlements, *Triennial Central Bank Survey, Global Foreign Exchange Market Turnover in 2013* (''BIS Survey''). The Fund may invest in currencies, and instruments that provide exposure to such currencies, selected from the top 40 currencies (as measured by percentage share of average daily turnover for the applicable month and year) included in the BIS Survey.

[39] *See* note 15 regarding related guidance under the 1940 Act.

[40] The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser and/or the applicable Management Team will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser's and/or Management Team's analysis will evaluate each approved counterparty using various methods of analysis and may consider the Adviser's and/or Management Team's past experience with the counterparty, its known disciplinary history and its share of market participation.

[41] The relevant non-U.S. government, agency or instrumentality must have a long-term debt rating of at least A by S&P Ratings, Moody's or Fitch.

[42] The Fund intends to enter into repurchase agreements only with financial institutions and dealers believed by the Adviser and/or the applicable Management Team to present minimal credit risks in accordance with criteria approved by the Board of Trustees of the Trust (''Trust Board''). The Adviser and/or the Management Team will review and monitor the creditworthiness of such institutions. The Adviser and/or the Management Team will monitor the value of the collateral at the time the transaction is entered into and at all times during the term of the repurchase agreement.

investments in other ETFs described above under ''General Investment Approach and Parameters.''[43]

The Fund may invest up to 15% of its net assets in secured loans that are not first lien loans or loans that are unsecured (collectively referred to as ''junior loans''). Junior loans have the same characteristics as senior loans except that junior loans are not first in priority of repayment and/or may not be secured by collateral. Accordingly, the risks associated with junior loans are higher than the risks for loans with first priority over the collateral. Because junior loans are lower in priority and/or unsecured, they are subject to the additional risk that the cash flow of the borrower may be insufficient to meet scheduled payments after giving effect to the secured obligations of the borrower or in the case of a default, recoveries may be lower for unsecured loans than for secured loans.[44]

In accordance with the 15% Limitation described above, the Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser and/or the applicable Management Team.[45] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets.

The Fund will not concentrate in any one industry.[46] For the avoidance of any doubt, however, this will not limit the Fund's investments in (a) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities or (b) securities of other investment companies.

Creation and Redemption of Shares

The Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'')[47] only in large blocks of Shares (''Creation Units'') in transactions with authorized participants, generally including broker-dealers and large institutional investors (''Authorized Participants''). Creation Units generally will consist of 50,000 Shares, although this may change from time to time. Creation Units, however, are not expected to consist of less than 50,000 Shares. As described in the Registration Statement and consistent with the Exemptive Relief, the Fund will issue and redeem Creation Units in exchange for an in-kind portfolio of instruments and/or cash in lieu of such instruments (the ''Creation Basket''). In addition, if there is a difference between the NAV attributable to a Creation Unit and the market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will pay to the other an amount in cash equal to the difference (referred to as the ''Cash Component'').

Creations and redemptions must be made by an Authorized Participant or through a firm that is either a member of the National Securities Clearing Corporation (''NSCC'') or a Depository Trust Company participant that, in each case, must have executed an agreement that has been agreed to by the Distributor and BNY with respect to creations and redemptions of Creation Units. All standard orders to create Creation Units must be received by the transfer agent no later than the closing time of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m., Eastern time) (the ''Closing Time'') in each case on the date such order is placed in order for the creation of Creation Units to be effected based on the NAV of Shares as next determined on such date after receipt of the order in proper form. Shares may be redeemed only in Creation Units at their NAV next determined after receipt not later than the Closing Time of a redemption request in proper form by the Fund through the transfer agent and only on a business day.

The Fund's custodian, through the NSCC, will make available on each business day, prior to the opening of business of the Exchange, the list of the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Component (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following business day.

Net Asset Value

The Fund's NAV will be determined as of the close of trading (normally 4:00 p.m., Eastern time) on each day the New York Stock Exchange is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Trust Board or its delegate.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with valuation procedures (which may be revised from time to time) adopted by the Trust Board (the ''Valuation Procedures'') and in accordance with the 1940 Act. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service (''Pricing Service''), or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a Pricing Service, or a major market maker (or dealer). The information summarized below is based on the Valuation Procedures as currently in effect; however, as noted above, the Valuation Procedures are amended from time to time and, therefore, such information is subject to change.

Common stocks and other equity securities listed on any exchange other than the Exchange and the London Stock Exchange Alternative Investment Market (''AIM'') will be valued at the last sale price on the exchange on which they are principally traded on the business day as of which such value is being determined. Equity securities listed on the Exchange or the AIM will be valued at the official closing price on the business day as of which such value is being determined. If there has been no sale on such day, or no official closing price in the case of securities traded on the Exchange or the AIM, the securities will be valued using fair value pricing, as described below. Equity securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at

[43] *See* note 10.

[44] Junior loans generally have greater price volatility than senior loans and may be less liquid. There is also a possibility that originators will not be able to sell participations in junior loans, which would create greater credit risk exposure for the holders of such loans. Junior loans share the same risks as other below investment grade instruments.

[45] *See* notes 11 and 12 and accompanying text.

[46] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[47] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, generally 4:00 p.m., Eastern time (the ''NAV Calculation Time''). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* the Registration Statement.

the close of the exchange representing the principal market for such securities.

Shares of money market funds will be valued at their net asset values as reported by such funds to Pricing Services. Exchange-traded options and futures contracts will be valued at the closing price in the market where such contracts are principally traded. Forward currency contracts and non-deliverable forward currency contracts will be valued at the current day's interpolated foreign exchange rate, as calculated using the current day's spot rate, and the thirty, sixty, ninety, and one-hundred-eighty day forward rates provided by a Pricing Service or by certain independent dealers in such contracts.

Certain securities in which the Fund may invest that are not listed on any securities exchange or board of trade will typically be bought and sold by institutional investors in individually negotiated private transactions that function in many respects like an over-the-counter secondary market, although typically no formal market makers will exist. Certain securities, particularly debt securities, will have few or no trades, or trade infrequently, and information regarding a specific security may not be widely available or may be incomplete. Accordingly, determinations of the fair value of debt securities may be based on infrequent and dated information. Because there is less reliable, objective data available, elements of judgment may play a greater role in valuation of debt securities than for other types of securities. Typically (other than as described below), corporate bonds, senior loans, Sovereign Debt, preferred securities that are treated as fixed income securities, and other debt securities in which the Fund may invest (as described under ''Other Investments'') will be valued using information provided by a Pricing Service. To the extent the foregoing securities have a remaining maturity of 60 days or less when purchased, they will be valued at cost adjusted for amortization of premiums and accretion of discounts. Overnight repurchase agreements will be valued at cost. Term repurchase agreements (*i.e.,* those whose maturity exceeds seven days) will be valued at the average of the bid quotations obtained daily from at least two recognized dealers.

In connection with valuation of the securities described in the preceding paragraph, the Fund's accounting agent will obtain all pricing data from a Pricing Service, or, if no price is available from a Pricing Service, then the accounting agent will contact the Adviser's pricing committee (''Pricing Committee''), which will attempt to obtain one or more broker quotes from the selling dealer or financial institution for the security daily and will value the security accordingly. In addition, with respect to the valuation of senior loans, as part of its review, the Pricing Committee may, in certain limited circumstances, override a value provided by the Pricing Service. If the Pricing Service does not provide a valuation for a particular senior loan, or if the Pricing Committee overrides a value of the senior loan, the senior loan will be valued using fair value pricing, as described below.

Preferred securities that are treated as equity securities but that are not traded on an exchange will be valued at the mean of the bid and the ask price, if available, and otherwise at their last bid price. Exchange-traded preferred securities will be valued as described in the third paragraph of this ''Net Asset Value'' section.

Mortgage-Related Investments will generally be valued by using a Pricing Service. If a Pricing Service does not cover a particular Mortgage-Related Investment, or discontinues covering a particular Mortgage-Related Investment, the Mortgage-Related Investment will be priced using broker quotes generally provided by brokers that make or participate in markets in the Mortgage-Related Investment. To derive values, Pricing Services and broker-dealers may use matrix pricing and valuation models, as well as recent market transactions for the same or similar assets. Occasionally, the Pricing Committee may determine that a Pricing Service price does not represent an accurate value of a Mortgage-Related Investment, based on broker quotes it receives, a recent trade in the Mortgage-Related Investment by the Fund, information from a portfolio manager, or other market information. In the event that the Pricing Committee determines that the Pricing Service price is unreliable or inaccurate based on such other information, broker quotes may be used. Additionally, if the Pricing Committee determines that the price of a Mortgage-Related Investment obtained from a Pricing Service and available broker quotes are unreliable or inaccurate due to market conditions or other reasons, or if a Pricing Service price or broker quote is unavailable, the security will be valued using fair value pricing, as described below.

Certain securities may not be able to be priced by pre-established pricing methods. Such securities may be valued by the Trust Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by the Valuation Procedures and conducted in accordance with the provisions of the 1940 Act. Valuing the Fund's securities using fair value pricing will result in using prices for those securities that may differ from current market valuations or official closing prices on the applicable exchange.

Because foreign securities exchanges may be open on different days than the days during which an investor may purchase or sell Shares, the value of the Fund's securities may change on days when investors are not able to purchase or sell Shares. Assets denominated in foreign currencies will be translated into U.S. dollars at the exchange rate of such currencies against the U.S. dollar as provided by a Pricing Service. The value of assets denominated in foreign currencies will be converted into U.S. dollars at the exchange rates in effect at the time of valuation.

Availability of Information

The Fund's Web site (*www.ftportfolios.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Shares' ticker, Cusip and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day's reported NAV and closing price, midpoint of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[48] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session[49] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the

[48] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[49] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m., Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m., Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m., Eastern time).

Fund's calculation of NAV at the end of the business day.[50] The Disclosed Portfolio will include, as applicable, the names, quantities, percentage weightings and market values of the portfolio securities, financial instruments, and other assets held by the Fund. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's Disclosed Portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[51] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association (''CTA'') plans for the Shares. Quotation and last sale information for U.S. exchange-listed equity securities will be available via the CTA high-speed line, and will be available from the national securities exchange on which they are listed. Pricing information for exchange-traded equity securities (including ETFs, exchange-traded preferred securities, and the exchange-traded equity securities described under ''Dividend Paying Domestic Equity Securities and Depositary Receipts and Related Option Overlay Strategy'' and ''Equity Securities of Energy Infrastructure Companies''), exchange-traded derivative instruments and Depositary Receipts will be available from the exchanges on which they trade and from major market data vendors. Pricing information for corporate bonds, senior loans, non-exchange traded preferred securities, Sovereign Debt, Mortgage-Related Investments, forward currency contracts, non-deliverable forward currency contracts, and debt securities in which the Fund may invest that are described under ''Other Investments'' will be available from major broker-dealer firms and/or major market data vendors and/or Pricing Services. An additional source of price information for certain fixed income securities is FINRA's TRACE. Information relating to U.S. exchange-listed options will be available via the Options Price Reporting Authority.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change will be defined in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [52] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also

[50] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[51] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[52] *See* 17 CFR 240.10A–3.

FINRA, on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[53] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG[54] and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

At least 90% of the Fund's net assets that are invested in exchange-traded equity securities of both domestic and foreign issuers, exchange-traded products and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act 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, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

Neither the Adviser nor any Sub-Adviser is a broker-dealer, although the Adviser, First Trust Global, EIP and Stonebridge are each affiliated with a broker-dealer and each is required to implement a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. RBA is not currently affiliated with a broker-dealer. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the open-end fund's portfolio.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. At least 90% of the Fund's net assets that are invested in exchange-traded equity securities of both domestic and foreign issuers, exchange-traded products and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

The primary investment objective of the Fund will be to seek risk-adjusted income and its secondary objective will be capital appreciation. Under normal market conditions, the Fund will seek to achieve its objectives by following a strategic and tactical asset allocation process that will provide diversified

[53] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[54] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

exposure to income-producing asset classes. The Adviser will determine the Fund's strategic allocation among various general investment categories and allocate the Fund's assets to Management Teams which will employ their respective management strategies. In general, except as applicable to any specific investment category, the fixed income and equity securities in which the Fund will invest may be issued by U.S. and non-U.S. issuers of all kinds and of any capitalization range and credit quality. The Fund's exposure to any single country (outside of the U.S.) will generally be limited to 20% of the Fund's net assets and the portion of the Fund's net assets that may be denominated in currencies other than the U.S. dollar is not expected to exceed 30%. In connection with its investments in high yield corporate bonds and senior loans, under normal market conditions, the Fund will seek to invest at least 75% of its net assets that are invested in such bonds and loans (in the aggregate) in bonds and loans that, at the time of original issuance, have at least $100 million par amount outstanding. The Fund will limit its investments in mortgage-backed securities that are not issued or guaranteed by Government Entities to 20% of its net assets. The Mortgage-Related Investments in which the Fund invests will primarily consist of investment grade securities (*i.e.,* securities with credit ratings within the four highest rating categories of an NRSRO at the time of purchase or securities that are unrated and deemed by the Adviser and/or the applicable Management Team to be of comparable quality at the time of purchase). Under normal market conditions, the Fund will seek to invest at least 75% of its net assets that are invested in preferred securities in preferred securities that have a minimum initial issuance amount of at least $100 million. In addition, initially, at least 50% of the Fund's net assets that are invested in preferred securities will be invested in exchange-listed preferred securities, although this percentage may decrease in the future. At least 50% of the Fund's net assets that are invested in Sovereign Debt will be invested in securities of issuers rated investment grade at the time of purchase by at least one NRSRO and unrated securities judged to be of comparable quality by the Adviser and/or the applicable Management Team. In addition, the Fund expects that, under normal market conditions, at least 80% of the Sovereign Debt in which it invests will be issued by issuers with outstanding debt of at least $200 million (or the foreign currency equivalent thereof). The Fund may invest in derivative instruments. Not including the Option Overlay Strategy, no more than 20% of the value of the Fund's net assets will be invested in derivative instruments. Because the Option Overlay Strategy will be excluded from the foregoing 20% limitation, the Fund's total investments in derivative instruments may exceed 20% of the value of its net assets. The Fund will comply with the regulatory requirements of the Commission to maintain assets as ''cover,'' maintain segregated accounts, and/or make margin payments when it takes positions in derivative instruments involving obligations to third parties (*i.e.,* instruments other than purchase options). The Fund's investments in derivative instruments will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index. Also, the Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser and/or the applicable Management Team. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the CTA plans for the Shares. Quotation and last sale information for U.S. exchange-listed equity securities will be available via the CTA high-speed line, and will be available from the national securities exchange on which they are listed. Pricing information for exchange-traded equity securities (including ETFs, exchange-traded preferred securities, and the exchange-traded equity securities described under ''Dividend Paying Domestic Equity Securities and Depositary Receipts and Related Option Overlay Strategy'' and ''Equity Securities of Energy Infrastructure Companies''), exchange-traded derivative instruments and Depositary Receipts will be available from the exchanges on which they trade and from major market data vendors. Pricing information for corporate bonds, senior loans, non-exchange traded preferred securities, Sovereign Debt, Mortgage-Related Investments, forward currency contracts, non-deliverable forward currency contracts, and debt securities in which the Fund may invest that are described under ''Other Investments'' will be available from major broker-dealer firms and/or major market data vendors and/or Pricing Services. An additional source of price information for certain fixed income securities is FINRA's TRACE. Information relating to U.S. exchange-listed options will be available via the Options Price Reporting Authority.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq

Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with the Valuation Procedures and the 1940 Act.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and in the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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–NASDAQ–2014–050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–050. 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 Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2014–050 and should be submitted on or before June 11, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[55]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–11740 Filed 5–20–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Andalusian Resorts and Spas, Inc.; Order of Suspension of Trading

May 19, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Andalusian Resorts and Spas, Inc. (''Andalusian'') because of questions concerning the adequacy and accuracy of assertions by Andalusian, and by others, in press releases and other public statements to investors concerning, among other things, the company's business combinations. Andalusian is a Nevada corporation based in Las Vegas. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker symbol ''ARSP.''

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT, on May 19, 2014, through 11:59 p.m. EDT, on June 2, 2014.

[55] 17 CFR 200.30–3(a)(12).

By the Commission.

Lynn M. Powalski,

Deputy Secretary.

[FR Doc. 2014–11839 Filed 5–19–14; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 8742]

Renewal of Defense Trade Advisory Group Charter

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State announces the renewal of the Charter for the Defense Trade Advisory Group (DTAG). The DTAG advises the Department on its support for and regulation of defense trade to help ensure the foreign policy and national security of the United States continue to be protected and advanced, while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of U.S. friends and allies. It is the only Department of State advisory committee that addresses defense trade related topics. The DTAG will remain in existence for two years after the filing date of the Charter unless terminated or renewed sooner. The DTAG is authorized by 22 U.S.C. §§ 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. Appendix.

For more information, contact Lisa V. Aguirre, Alternate Designated Federal Officer, Defense Trade Advisory Group, Department of State, Washington, DC 20520, telephone: (202) 663–2830.

Date: May 14, 2014.

Lisa V. Aguirre,

Alternate Designated Federal Officer, Defense Trade Advisory Group, U.S. Department of State.

[FR Doc. 2014–11776 Filed 5–20–14; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Notice of Availability and Request for Comment on the Draft Environmental Assessment (EA) for Issuing an Experimental Permit to Space Exploration Technologies Corp. (SpaceX) for Operation of the DragonFly Vehicle at the McGregor Test Site, McGregor, Texas.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability, Notice of Public Comment Period, and Request for Comment.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321, et seq.), Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500–1508), and FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures, Change 1,* the FAA is announcing the availability of and requesting comments on the Draft EA for Issuing an Experimental Permit to SpaceX for Operation of the DragonFly Vehicle at the McGregor Test Site, McGregor, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Czelusniak, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; telephone (202) 267–5924; email *Daniel.Czelusniak@faa.gov.*

SUPPLEMENTARY INFORMATION: The Draft EA was prepared to analyze the potential environmental impacts of SpaceX's proposal to conduct suborbital launches and landings of the DragonFly reusable launch vehicle (RLV) at the McGregor, Texas test site located in McLennan and Coryell Counties. To conduct this experimental testing, SpaceX must obtain an experimental permit from the FAA. Under the Proposed Action addressed in the EA, the FAA would issue an experimental permit to SpaceX, which would authorize SpaceX to conduct suborbital launches and landings of the DragonFly RLV from the McGregor test site. To support the DragonFly RLV activities under the experimental permit, SpaceX would construct a 40 foot (ft) by 40 ft launch pad. Therefore, the Proposed Action analyzed in the Draft EA includes the activities that would be authorized by the experimental permit (i.e., the operation of the launch vehicle) as well as the construction of the launch pad. SpaceX anticipates the DragonFly RLV program would require up to two years to complete (2014–2015). Therefore, the Proposed Action considers one new permit and one potential permit renewal. A maximum of 30 annual operations are proposed in each year of operation.

The Draft EA addresses the potential environmental impacts of implementing the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue an experimental permit to SpaceX for the operation of the DragonFly RLV at the McGregor test site. Existing SpaceX activities would continue at the McGregor test site, which include engine testing for the Falcon 9 launch vehicle.

The impact categories considered in the Draft EA include air quality; noise and compatible land use; Department of Transportation Act: Section 4(f); historical, architectural, archaeological, and cultural resources; fish, wildlife, and plants; water quality (surface waters, groundwater, wetlands, and floodplains); natural resources and energy supply; hazardous materials, pollution prevention, and solid waste; light emissions and visual impacts; and socioeconomics, environmental justice, and children's environmental health risks and safety risks. The Draft EA also considers the potential cumulative environmental impacts.

The FAA has posted the Draft EA on the FAA Web site at *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/review/permits/.*

A paper copy of the Draft EA may be reviewed during regular business hours at the following library:

- McGinley Memorial Library, 317 Main Street, McGregor, TX 76657

DATES: The FAA encourages all interested parties to provide comments concerning the scope and content of the Draft EA. To ensure that all comments can be addressed in the Final EA, comments on the draft must be received by the FAA, preferably in writing, on or before June 16, 2014, or 30 days from the date of publication of this Notice of Availability, whichever is later. Comments should be as specific as possible and address the analysis of potential environmental impacts and the adequacy of the proposed action or merits of alternatives being considered. Reviewers should organize their comments to be meaningful and inform the FAA of their interests and concerns by quoting or providing specific references to the text of the Draft EA. Matters that could have been raised with specificity during the comment period on the Draft EA may not be considered if they are raised for the first time later in the decision process. This commenting procedure is intended to ensure that substantive comments and concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them.

ADDRESSES: Please submit comments in writing to Mr. Daniel Czelusniak, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; or by email at *Daniel.Czelusniak@faa.gov.*

Issued in Washington, DC on: May 14, 2014.

Daniel Murray,

Manager, Space Transportation Development Division.

[FR Doc. 2014–11780 Filed 5–20–14; 8:45 am]

BILLING CODE 4310–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Fourth Meeting: RTCA Special Committee 216, Aeronautical Systems Security

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

ACTION: Meeting Notice of RTCA Special Committee 216, Aeronautical Systems Security.

SUMMARY: The FAA is issuing this notice to advise the public of the twenty fourth meeting of RTCA Special Committee 216, Aeronautical Systems Security.

DATES: The meeting will be held June 13, 2014 from 9:00 a.m.–12:00 p.m.

ADDRESSES: The meeting will be held at RTCA Headquarters, 1150 18th Street NW., Suite 450, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: You may contact the RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site *http://www.rtca.org* for directions.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 216.

June 13

- Open Meeting and Introductions
- Approve Summary—Meeting #23, RTCA Paper No. 107–14/SC216–051
- Summarize FAA 5 Year Plan Meeting Discussion
- Status of Revised DO–326A—Airworthiness Security Process Specification and new document—Information Security Guidance for Continuing Airworthiness, and upcoming PMC Review
- Summary of DO-yy3—Security Assurance and Assessment Methods for Safety-related Aircraft Systems Comment Disposition
- Discussion of Consensus to Move DO-yy3—Security Assurance and Assessment Methods for Safety-related Aircraft Systems to Formal Review And Comment (FRAC) Period.
- 12:00pm Close Meeting

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 15, 2014.

Mohannad Dawoud,

Management Analyst, NextGen, Business Operations Group, Federal Aviation Administration.

[FR Doc. 2014–11774 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Alexander, Johnson, Massac, Pulaski, and Union Counties, Illinois; Ballard and McCracken Counties, Kentucky; and Cape Girardeau, Scott and Mississippi Counties, Missouri

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier 1 Environmental Impact Statement (EIS) will be prepared for the 66 Corridor Project in Alexander, Johnson, Massac, Pulaski, and Union Counties, Illinois; Ballard, and McCracken Counties, Kentucky; and Cape Girardeau, Mississippi and Scott Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Catherine A. Batey, Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: (217) 492–4600. Jeffrey L. Keirn, P.E., Deputy Director of Highways, Region Five Engineer, Illinois Department of Transportation, State Transportation Building, 2801 W. Murphyboro, P.O. Box 100, Carbondale, Illinois 62903, (618) 549–2171.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Illinois Department of Transportation, will prepare a Tier 1 EIS for the 66 Corridor Project. The anticipated project termini are Interstate 55 in Missouri and Paducah, Kentucky. The project study area includes portions of the following counties: Alexander, Union, Pulaski, Johnson and Massac Counties in Illinois; Ballard and McCracken Counties in Kentucky; and Cape Girardeau, Mississippi and Scott Counties in Missouri. The study area covers approximately 2,500 square miles.

The Tier 1 EIS for the 66 Corridor Project is being conducted to evaluate the need for an improved transportation system between Paducah, Kentucky and I–55 in Missouri. The Tier One EIS will complete a broad analysis of transportation system alternative(s) in the study area and evaluate environmental impacts at a planning level of detail using a Geographic Information System (GIS) supplemented as needed by field investigations, transportation studies, economic impact studies, and cost analysis.

The primary environmental resources that may be affected by this project are: national forests; conservation areas; wildlife refuges; agricultural, residential, commercial, and industrial properties; cultural resources; Section 4(f) resources; threatened and endangered species; streams and floodplains; and wetlands. It is anticipated that a U.S. Army Corp of Engineers Section 404 permit and a U.S. Coast Guard Section 10 permit will be required for this project.

Alternatives assessed will seek to avoid and minimize impacts to these resources. In accordance with IDOT policies, the project is being developed using Context Sensitive Solutions (CSS) as the basis for an extensive stakeholder outreach program.

As part of early project coordination, scoping activities have been completed within the study area. A scoping summary will be prepared and distributed to the resource agencies.

A range of Alternatives will be developed and evaluated, including but not limited to: taking no action, existing roadway improvements, and new roadways on new location.

The Stakeholder Involvement Plan (SIP), which will satisfy the 23 U.S.C. Section 139 requirements for a Coordination Plan, will be developed to ensure that a full range of issues related to this proposed project are identified and addressed. The SIP provides meaningful opportunities for all stakeholders to participate in defining transportation issues and solutions for the study area.

Comments or questions concerning this proposed action and the Tier 1 EIS are invited from all interested parties and should be directed to the FHWA at the address provided above or the following Web site: *www.66corridor.org*

A public hearing will be held after the Tier 1 Draft EIS is published and made available for public and agency review. Public notice will be given of the time

and place of public meetings and hearings.

The Tier One EIS will conclude with a Record of Decision selecting either a no-build or a preferred corridor, or corridors. Following completion of the Tier One Record of Decision, projects with independent utility may be advanced to Tier Two NEPA documents that focus on detailed environmental analyses.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Issued on: May 14, 2014.

Catherine A. Batey,

Division Administrator, Federal Highway Administration, Springfield, Illinois.

[FR Doc. 2014–11699 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on the Interstate 64 Peninsula Study in Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to the construction of one additional highway lane in each direction on Interstate 64 from approximately Exit 255 in the east to approximately Exit 247 in the west in the City of Newport News, Virginia. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the project will be barred unless the claim is filed on or before October 20, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. John Simkins, Planning and Environment Team Leader, Federal Highway Administration, 400 North 8th Street, Richmond, Virginia 23219; telephone: (804) 775–3347; email: *John.Simkins@dot.gov.* The FHWA Virginia Division Office's normal business hours are 7:00 a.m. to 5:00 p.m. (Eastern Time). For the Virginia Department of Transportation (VDOT): Mr. Scott Smizik, 1401 East Broad Street, Richmond, Virginia 23219; email: *Scott.Smizik@vdot.virginia.gov;* telephone: (804) 371–4082.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following project in the State of Virginia: Constructing one additional highway lane in each direction in the median of Interstate 64 from approximately Exit 255 in the east to approximately Exit 247 in the west in the City of Newport News, Virginia. This project is the first operationally independent section to be advanced from the Interstate 64 Peninsula Study Final Environmental Impact Statement (FEIS). The actions taken by FHWA, and the laws under which such actions were taken, are described in the FEIS, the Virginia Department of Transportation's Request for the Record of Decision (ROD), and FHWA's ROD. The FEIS was signed on November 26, 2013. The ROD was issued on April 21, 2014. The FEIS, Request for the ROD, and ROD can be viewed on the project's internet site at *http://www.virginiadot.org/projects/hamptonroads/i-64_peninsula_study.asp.* These documents and other project records are also available by contacting FHWA or VDOT at the phone numbers and addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act (FAHA) [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536].

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological and Historic Preservation Act of 1977 [16 U.S.C. 469–469(c)] .

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201–4209].

7. *Executive Orders:* E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: May 15, 2014.

John Simkins,

Planning and Environment Team Leader, Richmond, Virginia.

[FR Doc. 2014–11761 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2014–0014]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 59 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective May 21, 2014. The exemptions expire on May 23, 2016.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the

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

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On April 1, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 59 individuals and requested comments from the public (79 FR 18400). The public comment period closed on April 30, 2014, and no comments were received.

FMCSA has evaluated the eligibility of the 59 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 59 applicants have had ITDM over a range of 1 to 41 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the April 1, 2014, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received no comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 59 exemption applications, FMCSA exempts Carl T. Adams (OH), Douglas L. Atkins (GA), Bradley E. Bradshaw (NC), Phillip W. Bulen (ID), Robert L. Boul (IA), Albert B. Burns (NC), Suellen M. Civiello (ME), David C. Clarke (NE), Michael T. Clements (WI), Daniel G. Conery (NJ), John A. Conness (MO), John Crosby (PA), David P. Dengate (PA), Ethan M. Dykstra (ID), Alan D. Ekberg (NE), Richard A. Flieth (ND), Sean P. Flynn (CA), Neil G. Ford (PA), Alden J. Haskins, Sr. (MD), James Herrada (NE), Gary W. Hochstein (MN), Harold D. Hoggard, II (PA), Terry L. Horn (NC), Wayne L. Hurley, Jr. (MD), Gerald A. Johnson (WI), Frank T. Katzele (WI), John D. Keller (NY), Cory M. Kobernick (KY), Thomas G. Lamberton (WA), Morris H. Lancaster, Jr. (IL), James M. Lencowski (MN), Lee H. Lewis (PA), Gordon E. Lindley (WY), Tracy L. Loudermilk (IN), Edwin J. Ludwig (OH), Edwin H. Maranville (OR), Bruce McDaniel (NJ), Douglas J. Murray (NY), David R. Norton (OH), Jerome Oliver (NC), Eugene P. OQuendo (MA), Lester E. Payne (OR), Curtis J. Pitt (OR), Rodney L. Porter (OR), Larry J. Reese (PA), James P. Rushing, Jr. (VA), Nicholas T. Sapounakes (VA), Scott W. Shindledecker (IN), Ryan D. Simmons (WA), Shirliann F. Skroch (NV), Ross L. Smith, Sr. (NJ), Allen G. Smuda (IL), Thomas G. Sosnoski (FL), Richard L. Stark (OH), Philip E. Stegeman (ID), Toby R. Tillett (KY), Kolby L. Van Newkirk (NE), Brandon L. Weaver (PA), and Michael B. Wilson (OH) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid

for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: May 13, 2014.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2014–11768 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0053]

Technical Report Evaluating Fatality Reduction by Electronic Stability Control

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for comments on technical report.

SUMMARY: This notice announces NHTSA's publication of a technical report evaluating the fatality-reducing effectiveness of electronic stability control for passenger cars and LTVs. The report's title is: *Updated Estimates of Fatality Reduction by Electronic Stability Control.*

DATES: Comments must be received no later than September 18, 2014.

ADDRESSES:

Report: The technical report is available on the Internet for viewing in PDF format at *http://www-nrd.nhtsa.dot.gov/Pubs/812020.pdf.* You may obtain a copy of the report free of charge by sending a self-addressed mailing label to Nathan K. Greenwell (NVS–431), National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue SE., Washington, DC 20590.

Comments: You may submit comments [identified by Docket Number NHTSA–2014–0053] by any of the following methods:

- Internet: To submit comments electronically, go to the U.S. Government regulations Web site at *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Fax: Written comments may be faxed to 202–493–2251.
- Mail: Send comments to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- Hand Delivery: If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except federal holidays.
- You may call Docket Management at 1–800–647–5527.

Instructions: For detailed instructions on submitting comments and additional information see the Comments heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Nathan K. Greenwell, Mathematical Statistician, Evaluation Division, NVS–431, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, Room W53–312, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–3860. Email: *nathan.greenwell@dot.gov.*

SUPPLEMENTARY INFORMATION: Electronic stability control (ESC) systems use automatic computer-controlled braking of individual wheels to assist the driver in maintaining control in critical driving situations. Federal Motor Vehicle Safety Standard No. 126 has required ESC on all new passenger cars, multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less: 100 Percent of new vehicles since September 1, 2011 (72 FR 17236). NHTSA issued statistical evaluations of ESC in 2004, 2007, and 2011, based on the most recent crash data available at the time (72 FR 41582, 76 FR 49532), which showed statistically significant reductions of fatal rollovers and impacts with fixed objects. The technical report updates the analyses with Fatal Accident Reporting System data through calendar year 2011. The analyses show the following statistically significant reductions of fatal crash involvements. Fatal first-event rollovers are reduced by 60 percent in cars and by 74 percent in LTVs. Other fatal single-vehicle crashes (excluding collisions with pedestrians or bicyclists) are reduced by 31 percent in cars and 45 percent in LTVs. Involvements as the culpable vehicle in fatal multi-vehicle crashes are reduced by 16 percent in cars and LTVs.

Comments

How can I influence NHTSA's thinking on this subject?

NHTSA welcomes public review of the technical report. NHTSA will submit to the Docket a response to the comments and, if appropriate, will supplement or revise the report.

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2014–0053) in your comments.

Your primary comments must not be more than 15 pages long (49 CFR 553.21). However, you may attach additional documents to your primary comments. There is no limit on the length of the attachments.

Please submit one copy of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg_reproducible.* DOT's guidelines may be accessed at *http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/subject_areas/statistical_policy_and_research/data_quality_guidelines/index.html.*

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://www.regulations.gov.*

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed,

stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail. You may also periodically access *http://www.regulations.gov* and enter the number for this docket (NHTSA–2014–0053) to see if your comments are on line.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. In addition, you should submit a copy, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

Will the agency consider late comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to the Federal Docket Management System (FDMS) at *http://www.regulations.gov*.

(2) FDMS provides two basic methods of searching to retrieve dockets and docket materials that are available in the system: (a) ''Quick Search'' to search using a full-text search engine, or (b) ''Advanced Search,'' which displays various indexed fields such as the docket name, docket identification number, phase of the action, initiating office, date of issuance, document title, document identification number, type of document, **Federal Register** reference, CFR citation, etc. Each data field in the advanced search may be searched independently or in combination with other fields, as desired. Each search yields a simultaneous display of all available information found in FDMS that is relevant to the requested subject or topic.

(3) You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the ''pdf'' versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Authority: 49 U.S.C. 30111, 30181–83 delegation of authority at 49 CFR 1.95 and 501.8.

Issued in Washington, DC, on May 15, 2014.

Terry Shelton,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2014–11666 Filed 5–20–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35804]

CSX Transportation, Inc., The Baltimore & Ohio Chicago Terminal Railroad Company, and Norfolk Southern Railway Company—Joint Relocation Project Exemption—Gary-Chicago International Airport Authority

On May 5, 2014, CSX Transportation, Inc. (CSXT), The Baltimore & Ohio Chicago Terminal Railroad Company (BOCT), and Norfolk Southern Railway Company (NSR) (collectively, applicants) [1] jointly filed a verified notice of exemption under 49 CFR 1180.2(d)(5) to participate in a joint relocation project that would foster improvements to the Gary-Chicago International Airport Authority (Gary Airport) in Indiana.

The purpose of the joint relocation project is to facilitate activities necessary to permit the relocation of various rail lines and facilities to accommodate the expansion of Gary Airport's existing Runway 12–30, and to preserve the operation, capacity, and utility of the freight lines of Elgin, Joliet and Eastern Railway Company (EJ&E), CSXT, and NSR in the vicinity of Gary Airport.

According to applicants, the relocation project involves multiple components. First, CSXT and NSR would construct the following connections: (1) At Clarke Junction, Ind., at or near milepost DC 0.4, connecting NSR's Fort Wayne Line with BOCT's Barr Subdivision and the relocated CSXT Fort Wayne Line, which would be located between milepost TC 244.9 and milepost TC 246.6 of what is currently NSR's Gary Branch; (2) between CSXT's Fort Wayne Line at milepost QF 443.8 and NSR's Gary Branch at milepost QF 244.9; (3) near Tolleston, Ind., between CSXT's Fort Wayne Line at milepost QF 442.0 and CSXT's Porter Branch at milepost QFP 256.1 to allow NSR to serve Indiana Sugars, Inc. (Indiana Sugars) from CSXT's Porter Branch; and (4) between CSXT's Porter Branch at milepost QFP 255.4 and NSR's Gary Branch at milepost TC 241.4 to allow NSR to continue to serve Indiana Sugars. Second, CSXT would acquire the portion of NSR's Gary Branch between milepost TC 244.9 and milepost TC 246.6. Third, CSXT would abandon an approximately 1.9-mile portion of its Fort Wayne Line between milepost QF 443.8 and milepost QF 445.7, and transfer substantially all of the property to Gary Airport for the runway expansion. Fourth, CSXT would relocate its operations between milepost QF 443.8 and milepost QF 445.7 to the Gary Branch between milepost TC 244.9 and milepost TC 246.6. Fifth, NSR would discontinue service over its Gary Branch Line between milepost TC 244.9 and milepost TC 241.4. Sixth, NSR would abandon common carrier service and reclassify as spur track the portion of the Gary Branch Line between milepost TC 241.4 and milepost TC 240.3 (the Indiana Sugars Industrial Track) in order to continue to serve Indiana Sugars via trackage rights over CSXT's Porter Branch. Seventh, existing trackage rights agreements would be amended to reflect the relocated track.[2]

[1] Applicants state that BOCT is a Class III railroad that is a wholly owned subsidiary of CSXT.

[2] According to applicants, four existing trackage rights agreements would be amended as follows: (1) NSR's rights to operate over CSXT's Fort Wayne Line would be amended to allow NSR to operate over the new connection between CSXT's Fort Wayne Line and CSXT's Porter Branch in the northeast quadrant at Tolleston, as well as the continued right to enter and exit CSXT's Fort Wayne Line at the existing connection to the Central Railroad of Indianapolis d/b/a Chicago, Fort Wayne & Eastern (CFER) leased portion of the CSXT Fort Wayne Line in the southwest quadrant at Tolleston; (2) NSR's rights to operate over CSXT's

Continued

Applicants state that the proposed joint relocation project would not disrupt service to shippers or expand service into new territory. According to applicants, the only named active shipper on the lines, Indiana Sugars, would continue to receive service.

The Board will exercise jurisdiction over the abandonment, construction, or sale components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track or transfer of existing track involves expansion into new territory. *See City of Detroit* v. *Canadian Nat'l Ry.,* 9 I.C.C. 2d 1208 (1993), *aff'd sub nom. Detroit/Wayne Cnty. Port Auth.* v. *ICC,* 59 F.3d 1314 (D.C. Cir. 1995); *Flats Indus. R.R. & Norfolk S. Ry.—Joint Relocation Project Exemption—in Cleveland, Ohio,* FD 34108 (STB served Nov. 15, 2001). Line relocation projects may embrace trackage rights transactions such as those involved here. *See Detroit, Toledo & Ironton R.R.—Trackage Rights—Between Washington Court House & Greggs, Ohio—Exemption,* 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and trackage rights components of this relocation project require no separate approval or exemption because the relocation project would not disrupt service to shippers, expand CSXT's, BOCT's, or NSR's service into a new territory, or alter the existing competitive situation, and thus, this joint relocation project qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the joint relocation project will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980) (''N&W Conditions'').[3]

The transaction may be consummated on or after June 4, 2014, the effective date of the exemption (30 days after the exemption was filed). Applicants explain that once the exemption becomes effective, or shortly therafter, CSXT and NSR would commence constructing the connections. Once the connections required for NSR to serve Indiana Sugars via a portion of CSXT's Porter Branch are completed and operational, NSR would transfer the previously mentioned portion of NSR's Gary Branch to CSXT, and CSXT would transfer its 1.9-mile portion of the Fort Wayne Line to Gary Airport. Applicants state that, as the track connections described above are completed, the amended trackage rights would take effect.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than May 28, 2014 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35804, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on applicants' representatives: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204 (CSXT's and BOCT's representative) and William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Avenue NW., Suite 300, Washington, DC 20037 (NSR's representative).

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV.*

Decided: May 16, 2014.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2014–11783 Filed 5–20–14; 8:45 am]

BILLING CODE 4915–01–P

Porter Branch would be amended to allow NSR to operate between: (i) The new connection to CSXT's Fort Wayne Line in the northeast quadrant at Tolleston; (ii) the existing connection to the CFER leased portion of the CSXT Fort Wayne Line in the southwest quadrant at Tolleston; and (iii) the new connection to the portion of the Gary Branch to be re-classified as the Indiana Sugars Industrial Track, at or near milepost QFP 255.4; (3) NSR's rights to operate over BOCT's Barr Subdivision would be amended to allow NSR to enter or exit BOCT's Barr Subdivision between Clarke Junction, at or near milepost DC 0.4, to access both the NSR Fort Wayne Line and the CSXT Fort Wayne Line; and (4) CSXT's rights to operate over NSR's Fort Wayne Line would be amended to allow CSXT to enter and exit the NSR Fort Wayne Line at: (i) the connection to NSR's Chicago Line at CP501, Buffington, Ind.; and (ii) the new connection to BOCT's Barr Subdivision at Clarke Junction.

[3] By letter filed on May 16, 2014, applicants amended their notice of exemption to clarify that the N&W Conditions are applicable to this transaction and should be imposed here.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 2 Individuals Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designations by the Director of OFAC of the 2 individuals in this notice, pursuant to Executive Order 13224, are effective on May 14, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order

13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On May 14, 2014 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 2 individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for these individuals on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. AL–JUHNI, 'Abd Al-Rahman Muhammad Zafir Al-Dubaysi (a.k.a. AL–JAHANI, Abd al-Rahman Muhammad Zafir al-Dabisi; a.k.a. AL–JAHANI, 'Abd Al-Rahman Muhammad Zafir al-Dubaysi; a.k.a. ALJAHANI, Abdulrhman Mohammed D.; a.k.a. AL–JAHNI, 'Abd al-Rahman Muhammad Thafir; a.k.a. AL–JAHNI, 'Abd Al-Rahman Muhammad Zafir al-Dubaysi; a.k.a. AL–JUHANI, Abd al-Rahman Muhammad; a.k.a. AL–JUHANI, 'Abd Al-Rahman Muhammad Zafir al-Dubaysi; a.k.a. AL–SAUDI, Abu Wafa; a.k.a. ''ABU AL–WAFA'''; a.k.a. ''ABU ANAS''); DOB 04 Dec 1971; alt. DOB 1977; POB Kharj, Saudi Arabia; nationality Saudi Arabia; Passport F508591 (Saudi Arabia); National ID No. 1027508157 (Saudi Arabia) (individual) [SDGT].
2. AL–QADULI, Abd Al-Rahman Muhammad Mustafa (a.k.a. AHMAD, Aliazra Ra'ad; a.k.a. AL–BAYATI, Abdul Rahman Muhammad; a.k.a. AL–BAYATI, Tahir Muhammad Khalil Mustafa; a.k.a. MUSTAFA, Umar Muhammad Khalil; a.k.a. SHAYKHLARI, 'Abd al-Rahman Muhammad Mustafa; a.k.a. ''ABU ALA''; a.k.a. ''ABU HASAN''; a.k.a. ''ABU IMAN''; a.k.a. ''ABU MUHAMMAD''; a.k.a. ''ABU ZAYNA''; a.k.a. ''ABU–SHUAYB''; a.k.a. ''HAJJI IMAN''); DOB 1959; alt. DOB 1957; POB Mosul, Ninawa Province, Iraq; nationality Iraq (individual) [SDGT].

Dated: May 14, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–11751 Filed 5–20–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of one individual and one entity whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. Sections 1901–1908, 8 U.S.C. Section 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the one individual and one entity identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act, is effective on May 14, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On May 14, 2014, the Acting Director of OFAC removed from the SDN List the one individual and one entity listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individual

RAYGOZA CONTRERAS, Ruben, c/o MONTRAY, S.A. DE C.V.,

Guadalajara, Jalisco, Mexico; Calle Adolfo Lopez Mateos No. 147, Colonia Ampliacion Miguel Hidalgo, Delegacion Tlalpan, Mexico City, Distrito Federal C.P. 14250, Mexico; Calle Minerva No. 358, Colonia Florida, Delegacion Alvaro Obregon, Mexico City, Distrito Federal C.P. 01030, Mexico; Calle Moras No. 833 Interior 102, Colonia Acacias, Delegacion Benito Juarez, Mexico City, Distrito Federal C.P. 03240, Mexico; Calle Plan de San Luis No. 1653, Colonia Mezquitan, Guadalajara, Jalisco C.P. 44260, Mexico; Prolongacion Manuel Avila Camacho No. 129, Colonia Hermosa Provincia, Puerto Vallarta, Jalisco C.P. 48348, Mexico; DOB 17 Mar 1970; POB Guadalajara, Jalisco, Mexico; R.F.C. RACR700317N34 (Mexico); C.U.R.P. RACR700317HJCYNB09 (Mexico) (individual) [SDNTK].

Entity

MONTRAY, S.A. DE C.V., Calle Jaime Nuno No. 1291–B, Colonia Chapultepec Country, Guadalajara, Jalisco C.P. 44620, Mexico; R.F.C. MON060123J62 (Mexico) [SDNTK].

Dated: May 14, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–11748 Filed 5–20–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of three individuals and three entities whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Acting Director of OFAC of the three individuals and three entities identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on May 15, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On May 15, 2014, the Acting Director of OFAC designated the following three individuals and three entities whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. ROMERO ZEVADA, Demetrio, Nogalitos No. 17, Quila, Sinaloa, Mexico; DOB 09 Apr 1973; POB Culiacan, Sinaloa, Mexico; C.U.R.P. ROZD730409HSLMVM09 (Mexico) (individual) [SDNTK] (Linked To: COMERCIALIZADORA Y FRIGORIFICOS DE LA PERLA DEL PACIFICO, S.A. DE C.V.; Linked To: PRODUCCION PESQUERA DONA MARIELA, S.A. DE C.V.).
2. ZAZUETA GODOY, Heriberto (a.k.a. ''CAPI BETO''), Jose Aguilar Barraza 328, Al Poniente de la Colonia Jorge Almeda, Culiacan, Sinaloa, Mexico; Av. Naciones Unidas # 5759, Casa 34, Col. Parque Regency, Zapopan, Jalisco 44110, Mexico; DOB 03 Feb 1960; POB Culiacan, Sinaloa, Mexico; C.U.R.P. ZAGH600203HSLZDR07 (Mexico) (individual) [SDNTK] (Linked To: PRODUCCION PESQUERA DONA MARIELA, S.A. DE C.V.; Linked To: TAIPEN, S.A. DE C.V.; Linked To: COMERCIALIZADORA Y FRIGORIFICOS DE LA PERLA DEL PACIFICO, S.A. DE C.V.).
3. ZAZUETA GOMEZ, Leopoldo; DOB 04 Feb 1940; POB San Ignacio, Sinaloa, Mexico; C.U.R.P. ZAGL400204HSLZMP06 (Mexico) (individual) [SDNTK] (Linked To: PRODUCCION PESQUERA DONA MARIELA, S.A. DE C.V.).

Entities

1. COMERCIALIZADORA Y FRIGORIFICOS DE LA PERLA DEL PACIFICO, S.A. DE C.V., Puerto de Mazatlan 6 D, Parque Industrial Alfredo V. Bonfil, Mazatlan, Sinaloa 82050, Mexico; R.F.C. CFP001109UM7 (Mexico) [SDNTK].
2. PRODUCCION PESQUERA DONA MARIELA, S.A. DE C.V., Avenida Puerto Mazatlan 6, Colonia Parque Industrial Alfredo V Bonfil, Mazatlan, Sinaloa CP 82050, Mexico; R.F.C. PPD0103129Q2 (Mexico); Folio Mercantil No. 9974–2 (Mexico) [SDNTK].
3. TAIPEN, S.A. DE C.V. (a.k.a. ''TAI PEN''), Av. Juan Palomar y Arias # 569, Col. Jardines Universidad, Zapopan, Jalisco 45110, Mexico; Folio Mercantil No. 33288–1 (Mexico) [SDNTK].

Dated: May 15, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–11752 Filed 5–20–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Rural Health Advisory Committee; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Veterans Rural Health Advisory Committee will meet on June 24–25, 2014, in the Anacostia Room, at 2011 Crystal Drive, Arlington, Virginia, from 9 a.m. to 5 p.m. each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on health care issues affecting enrolled Veterans residing in rural areas. The Committee examines programs and policies that impact the provision of VA health care to enrolled Veterans residing in rural areas, and discusses ways to improve and enhance VA services for these Veterans.

The agenda will include updates from the Committee Chairman and the Director of the Veterans Health Administration (VHA) Office of Rural Health (ORH), as well as presentations on Delivery Models of Care, Recruitment and Retention of Rural Providers, Telehealth and Program Structures.

Public comments will be received at 4:30 p.m. on June 25, 2014. Those who are interested in attending the meeting should contact Mr. Elmer D. Clark, by mail at ORH, 1100 First Street NE., Room 633F, Washington, DC 20002, or via email at *Elmer.Clark2@va.gov,* or by fax (202) 632–8609. Individuals scheduled to speak are invited to submit a 1–2 page summary of their comments for inclusion in the official meeting record.

Dated: May 15, 2014.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2014–11675 Filed 5–20–14; 8:45 am]

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Part II

Department of Energy

10 CFR Parts 429 and 430

Energy Conservation Program: Test Procedures for Dehumidifiers; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2014–BT–TP–0010]

RIN 1904–AC80

Energy Conservation Program: Test Procedures for Dehumidifiers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Energy (DOE) proposes to revise its test procedures for dehumidifiers, by adding clarifications for equipment setup during testing and correcting the calculations of active mode energy use and an efficiency metric, integrated energy factor (IEF). The proposed amendments would also create a new appendix which would require certain active mode testing at a lower ambient temperature, add a measure of fan-only mode energy consumption in the IEF metric, and include testing methodology and measures of performance for whole-home dehumidifiers. Finally, DOE proposes to add clarifying definitions of covered products, amend the certification requirements, add verification instructions for the capacity measurement, and make certain editorial corrections.

DATES: DOE will hold a public meeting on Friday, June 13, 2014 from 9 a.m. to 12 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section V, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than August 4, 2014. See section V, ''Public Participation,'' for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise DOE as soon as possible by contacting Ms. Edwards to initiate the necessary procedures. Please also note that those wishing to bring laptops into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing laptops, or allow an extra 45 minutes. Persons can attend the public meeting via webinar. For more information, refer to the Public Participation section near the end of this document.

Any comments submitted must identify the NOPR for Test Procedures for Dehumidifiers, and provide docket number EE–2014–BT–TP–0010 and/or regulatory information number (RIN) number 1904–AC80. Comments may be submitted using any of the following methods:

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

2. *Email: Dehumidifier2014TP0010@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD. It is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see section V of this document (Public Participation).

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!docketDetail;D=EERE-2014-BT-TP-0010.* This Web page contains a link to the docket for this document on the regulations.gov site. The regulations.gov Web page contains instructions on how to access all documents, including public comments, in the docket. See section V for information on how to submit comments through regulations.gov.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *bryan.berringer@ee.doe.gov.*

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7796. Email: *elizabeth.kohl@hq.doe.gov.*

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I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, et seq.; ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency. (All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).) Part B of title III, which for editorial reasons was redesignated as Part A upon incorporation into the U.S. Code (42 U.S.C. 6291–6309, as codified), establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' These include dehumidifiers, the subject of this proposed rule. (42 U.S.C. 6292(a)(11))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

A. General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides in relevant part that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e))

B. Test Procedure for Dehumidifiers

EPCA specifies that the dehumidifier test criteria used under the ENERGY STAR [1] program in effect as of January 1, 2001,[2] must serve as the basis for the DOE test procedure for dehumidifiers, unless revised by DOE. (42 U.S.C. 6293(b)(13)) The ENERGY STAR test criteria required that American National Standards Institute (ANSI)/Association of Home Appliance Manufacturers (AHAM) Standard DH–1, ''Dehumidifiers,'' be used to measure capacity while the Canadian Standards Association (CAN/CSA) standard CAN/CSA–C749–1994 (R2005), ''Performance of Dehumidifiers,'' be used to calculate the energy factor (EF). The version of AHAM Standard DH–1 in use at the time the ENERGY STAR test criteria were adopted was AHAM Standard DH–1–1992. DOE adopted these test criteria, along with related definitions and tolerances, as its test procedure for dehumidifiers at 10 CFR part 430, subpart B, appendix X in 2006. 71 FR 71340, 71347, 71366, 713667–68 (Dec. 8, 2006).

On October 31, 2012, DOE published a final rule to establish a new test procedure for dehumidifiers that references ANSI/AHAM Standard DH–1–2008, ''Dehumidifiers,'' (ANSI/AHAM DH–1–2008) for both energy use and capacity measurements. 77 FR 65995 (Oct. 31, 2012). The final rule also adopted standby and off mode provisions that satisfy the requirement in EPCA for DOE to include measures of standby mode and off mode energy consumption in its test procedures for residential products, if technically feasible. (42 U.S.C. 6295(gg)(2)(A)) This new DOE test procedure, codified at that time at 10 CFR part 430, subpart B, appendix X1 (appendix X1), established a new metric, integrated energy factor (IEF), which incorporates measures of active, standby, and off mode energy use.

DOE subsequently removed the existing test procedures at appendix X and redesignated the test procedures at appendix X1 as appendix X. 79 FR 7366, Feb. 7, 2014. After August 6, 2014, any representations of energy use, including standby mode or off mode energy consumption, or efficiency of portable dehumidifiers must be made in accordance with the results of testing pursuant to the redesignated appendix X. In this NOPR, DOE proposes further amendments to the redesignated appendix X.

DOE also initiated a rulemaking to consider amending the energy conservation standards for dehumidifiers. As part of this rulemaking, DOE is considering standards for whole-home, including refrigerant-desiccant, dehumidifiers. Any amended standards for both portable and whole-home dehumidifiers would be based on the efficiency metrics as determined from a new DOE test procedure at appendix X1 that DOE is proposing to establish in this document. DOE published a document announcing the availability of the Energy Conservation Standards Rulemaking Framework Document for Dehumidifiers on August 17, 2012 (the ''August 2012 Framework Document'') 77 FR 49739 (Aug. 17, 2012). The August 2012 Framework Document, also published on the DOE Web site, discusses the analyses DOE intends to conduct throughout the standards rulemaking. In response to the August 2012 Framework Document and at the public meeting held on September 24, 2012, DOE received a number of comments related to the dehumidifier test procedure. DOE considered these comments in its analysis for this NOPR, and provides responses in this document.

II. Summary of the Notice of Proposed Rulemaking

In this NOPR, DOE proposes to establish in 10 CFR 430.2 definitions for different categories of residential dehumidifiers: Portable dehumidifiers and whole-home dehumidifiers. The proposal includes a definition for whole-home dehumidifiers that incorporate moisture removal by means of either a refrigeration system and a desiccant, which require specific testing methodology. The provisions in appendix X1 proposed in this NOPR would include test equipment and methodology for measuring the capacity and IEF of whole-home dehumidifiers under conditions representative of typical ducted installations.

DOE also proposes amending the dehumidifier test procedure to provide a more accurate representation of active mode performance in new appendix X1. The active mode provisions currently in

[1] For more information on the ENERGY STAR program, please visit *www.energystar.gov.*

[2] ''Energy Star Program Requirements for Dehumidifiers'', Version 1.0, U.S. Environmental Protection Agency, available online at: *www.energystar.gov/products/specs/system/files/DehumProgReqV1.0.pdf.*

appendix X require testing under ambient conditions consisting of a dry-bulb temperature of 80 degrees Fahrenheit (°F) and a wet-bulb ambient temperature of 69.6 °F; however, DOE's recent analysis and information from interested parties suggest that this set of test conditions may not be representative of residential installation locations, and that dehumidifier performance varies according to the ambient temperature and humidity. Therefore, DOE is proposing amendments to be incorporated in the new appendix X1 that would reduce the required ambient dry-bulb and wet-bulb temperatures during the test to better reflect the energy use and capacity of dehumidifiers in real-world conditions.

DOE further proposes to incorporate into appendix X1 measures of energy use in fan-only mode for dehumidifiers that operate the fan either continuously or cyclically without activating the refrigeration system when the ambient relative humidity is lower than the setpoint, rather than entering off-cycle mode.

Because appendix X does not provide instructions regarding the proper control settings, including the fan speed to be used for testing dehumidifiers with multiple fan-speed options and the relative humidity control setting, DOE is proposing to conduct active mode testing in appendix X and appendix X1 using the setting for continuous operation for dehumidifiers equipped with such an option. For dehumidifiers without a setting for continuous operation, DOE proposes to require testing at the highest possible fan speed and lowest relative humidity setting to achieve the maximum possible moisture removal rate, which is the primary function of the product. DOE also proposes in appendix X and appendix X1 to define this primary operating mode as ''dehumidification mode'' to distinguish it from fan-only mode, which is also an active mode, and to clarify that the definition of ''product capacity'' is a measure of the moisture removed under the specified ambient conditions.

Finally, DOE also is proposing in this document to: (1) Add specifications in appendix X and appendix X1 for psychrometer setup for multiple air intakes, which would require the use of a separate sampling tree for each intake grille, and require that when testing multiple portable dehumidifiers at the same time, each dehumidifier be provided with a separate psychrometer centered in front of each of its air intake grille(s); (2) specify in appendix X and appendix X1 that the condensate must be collected in a substantially closed vessel placed on the weight-measuring instrument if means are provided on the dehumidifier for draining condensate away from the cabinet; if not, any condensate in excess of the amount that the internal collection bucket can hold should be collected in an overflow pan for the condensate weight measurement without the use of any internal pump (unless the use of such a pump is provided by the manufacturer by default during dehumidification mode); (3) correct the definition of ''dehumidifier'' in 10 CFR 430.2 and clarify that it does not cover portable air conditioners or room air conditioners; (4) provide a technical correction and clarifications within the IEF equation in appendix X and appendix X1; (5) correct typographical errors in the number of annual hours for inactive mode and off mode in appendix X and appendix X1; (6) provide instructions for the dates of use of appendix X and appendix X1; and (7) add capacity to the sampling requirements used for dehumidifier certification, along with clarification in 10 CFR 430.23(z) regarding how capacity is measured.

III. Discussion

A. Products Covered by This Test Procedure Rulemaking

EPCA defines a dehumidifier as a self-contained, electrically operated, and mechanically encased assembly consisting of—

- A refrigerated surface (evaporator) that condenses moisture from the atmosphere;
- A refrigerating system, including an electric motor;
- An air-circulating fan; and
- Means for collecting or disposing of the condensate.

42 U.S.C. 6291(34); 10 CFR 430.2.

DOE is aware of two general categories of residential dehumidifiers, classified according to the primary installation configuration: Portable dehumidifiers and whole-home dehumidifiers. Portable dehumidifiers are the most common category of dehumidifier sold in the United States, representing more than 95 percent of residential dehumidifier shipments. Consumers typically purchase portable dehumidifiers to reduce the relative humidity in one room or area of a living space less than 2,500 square feet, and may move these units from room to room to selectively reduce humidity where necessary. These units may also be located in an unconditioned space where moisture control is desired. Portable units currently on the market have rated capacities ranging from 22 pints of moisture removed per day (pints/day) to more than 120 pints/day. Portable units are standalone appliances designed to operate independent of any other air treatment devices, and do not require attachment to ducting, although certain models may have optional components to do so (*i.e.,* ''convertible portable'' units).

Whole-home dehumidifiers are designed to be attached to ducting that supplies dehumidified air to multiple or large living spaces in a residence and that returns humid air from the same spaces to the dehumidifier inlet. Whole-home dehumidifiers are often installed in conjunction with an existing heating, ventilation, or central air-conditioning (HVAC) system, and may utilize certain components of the HVAC equipment such as the air-handling blower, but can operate independently as well. Whole-home dehumidifiers typically use the same dehumidification system as portable units; however, to effectively dehumidify a large area, these units are manufactured with larger components than portable dehumidifiers, and may include additional features, such as pre-coolers or desiccant wheels, which may be difficult to incorporate into portable units due to volume and weight constraints. Whole-home product capacities range from approximately 65 pints/day to more than 200 pints/day when tested without ducting. The lack of ducting, however, allows higher airflow through the dehumidifier than would be experienced in real-world installations, which in turn results in higher measured values for capacity and IEF.

In the August 2012 Framework Document, DOE considered whether whole-home dehumidifiers as well as portable dehumidifiers should be considered covered products for the purposes of energy conservation standards. In response, Pacific Gas and Electric Company (PG&E), San Diego Gas and Electric Company (SDG&E), and Southern California Edison (SCE), (hereafter the ''California Investor-Owned Utilities (IOUs)'') expressed support for DOE's proposal to cover whole-home dehumidifiers and recommended that DOE acquire additional data on both the performance and market saturation of these units. (California IOUs, No. 11 at p. 4) [3]

[3] A notation in the form ''California IOUs, No. 11 at p. 4'' identifies a written comment: (1) Made by Pacific Gas and Electric Company, San Diego Gas and Electric Company, and Southern California Edison (''the California IOUs''); (2) recorded in document number 11 that is filed in the docket of the residential dehumidifier energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0027) and available for review at *www.regulations.gov;* and (3) which appears on page 4 of document number 11.

AHAM requested clarification regarding coverage and requirements for testing with ducted installation, particularly with portable products that can be optionally ducted as compared to dehumidifiers with manufacturer instructions that specify ducting. (AHAM, Public Meeting Transcript, No. 10 at p. 28) [4] DOE research of the residential dehumidifier market revealed models that can be used as either a portable dehumidifier or as a ducted (*i.e.,* whole-home) dehumidifier. Several manufacturers refer to these products as ''convertible'' dehumidifiers. These convertible products have optional ducting kits that can either be installed or removed to accommodate free standing portable operation or ducted installations. Therefore, these products would meet the proposed definitions of both portable and whole-home dehumidifiers. Accordingly, DOE proposes in this document that if a given model meets both the proposed definition of a portable dehumidifier and a whole-home dehumidifier, with conversion achieved by means of optional ducting ducting kits, the product must be tested as both product categories, must meet both applicable standards, and must be certified as meeting both standards, if DOE ultimately establishes standards for whole home units.

The Southern Company noted that dehumidification technologies other than those based on refrigeration systems, such as desiccant dehumidifiers, are available on the market, and questioned whether products that do not use a refrigeration system and do not collect a liquid condensate would be covered. (Southern Company, Public Meeting Transcript, No. 10 at p. 45) Dehumidifiers that remove moisture using a desiccant but with no refrigeration system would not meet the statutory definition set forth by EPCA, and thus would not be covered products. (42 U.S.C. 6291(34)) However, certain whole-home dehumidifiers incorporate desiccant technology along with refrigeration systems, hereafter referred to as refrigerant-desiccant dehumidifiers. Some of the moisture in the ''process'' air (*i.e.,* the air that is supplied from and returned to the dehumidified space) is condensed on the evaporator as with typical dehumidifiers, while additional moisture is removed via a porous desiccant material that adsorbs moisture when damp air passes through or over it. The desiccant material is typically configured in a circular or wheel structure. A portion of the wheel adsorbs moisture from the process air entering the unit, which is then delivered to the dehumidified space. As the wheel rotates, the moisture in that segment is released into a separate heated reactivation air stream and exhausted out of the home. In addition to removing some moisture from the process air directly, the refrigeration system boosts the temperature of the reactivation air to more effectively remove moisture from the desiccant wheel, and cools the incoming air to improve the adsorptivity of the desiccant material. Because refrigerant-desiccant dehumidifiers have separate process and reactivation air streams and associated ducting, DOE proposes provisions in appendix X1 to test such whole-home units.

In this NOPR, to clarify which provisions in the dehumidifier test procedure apply to the different categories of dehumidifiers, DOE is proposing to amend 10 CFR 430.2 to include definitions of portable, whole-home, and refrigerant-desiccant dehumidifiers as follows:

Portable dehumidifier: A dehumidifier designed to operate within the dehumidified space without the attachment of additional ducting, although means may be provided for optional duct attachment.

Whole-home dehumidifier: A dehumidifier designed to be installed with ducting to deliver return process air to its inlet and to supply dehumidified process air from its outlet to one or more locations in the dehumidified space.

Refrigerant-desiccant dehumidifier: A whole-home dehumidifier that removes moisture from the process air by means of a desiccant material in addition to a refrigeration system.

DOE also proposes in this NOPR to adopt the following definition for ''process air'' in appendix X1:

Process air: The air supplied to the dehumidifier from the dehumidified space and discharged to the dehumidified space after moisture has been removed by means of the refrigeration system.

DOE requests comment on the proposed definitions for portable, whole-home, and refrigerant-desiccant dehumidifiers, and whether there are additional dehumidifier product categories that should be considered as covered products, consistent with the statutory definition of dehumidifier.

B. Determination, Classification, and Testing Provisions for Dehumidifier Active Modes

Appendix X defines ''active mode'' as a mode in which a dehumidifier is performing the main functions of removing moisture from ambient air by drawing moist air over a refrigerated coil using a fan, circulating air through activation of the fan without activation of the refrigeration system, or defrosting the refrigerant coil. In the course of testing conducted for this proposal, DOE observed that dehumidifiers may operate in different modes that would be classified as part of active mode, depending on whether the humidity setpoint has been reached.

When the dehumidifier is operating in active mode and the ambient relative humidity is higher than the humidity setpoint, the unit may perform any of the main functions listed under the active mode definition. Further, DOE observed during its tests that a dehumidifier may alternate among these main functions, with the unit activating a particular main function for a period of minutes or hours before switching to a different main function. The pattern of activation of these functions may vary, depending on the programming of the particular model and the ambient conditions. DOE notes that none of the 17 portable and 8 whole-home dehumidifiers in its test sample exhibited such variable behavior under the ambient conditions currently specified in appendix X, nominally 80 °F dry-bulb temperature and 69.6 °F wet-bulb temperature, and instead continuously removed moisture from the ambient air. However, when the ambient temperature was lower than 80 °F and the relative ambient humidity was higher than the setpoint, certain units in the test sample periodically operated the fan without activating the refrigeration system. This action may have been taken to prevent the formation of frost or to remove any ice build-up from the evaporator to continue the main function of moisture removal. Therefore, DOE proposes to add the following definition of ''dehumidification mode'' to appendix X and appendix X1 to describe all dehumidifier operations during the

[4] A notation in the form ''AHAM, Public Meeting Transcript, No. 10 at p. 28'' identifies an oral comment that DOE received during the September 24, 2012, residential dehumidifier energy conservation standards framework public meeting, was recorded in the public meeting transcript in the docket for the residential dehumidifier energy conservation standards rulemaking (Docket No. EERE–2012–BT–STD–0027), and is maintained in the Resource Room of the Building Technologies Program. This particular notation refers to a comment (1) made by AHAM during the public meeting; (2) recorded in document number 10, which is the public meeting transcript that is filed in the docket of this energy conservation standards rulemaking; and (3) which appears on page 28 of document number 10.

period when the humidity setpoint is lower than the ambient relative humidity and the dehumidifier is engaged in the main function of moisture removal:

Dehumidification mode: An active mode in which a dehumidifier (1) has activated the main moisture removal function according to the humidistat or humidity sensor signal and (2) has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

The energy use for all main functions, including periods of fan operation with and without activation of the refrigeration system that may occur when the ambient relative humidity is above the setpoint, would be measured according to the proposed provisions for dehumidification mode testing in appendix X1, as discussed in section III.B.1 of this document, and for active mode testing in appendix X.

A dehumidifier fan may also operate without activation of the refrigeration system after the humidity setpoint has been reached or when selected by the consumer. Under these conditions, the fan may be operated to ensure that air is drawn over the humidistat to monitor ambient conditions, or for air circulation in the dehumidified space. It is also possible that immediately following a period of dehumidification mode, this fan operation may be initiated to remove any remaining frost from the evaporator. Such functions would classify this ''fan-only mode'' as an active mode, and it is distinct from any periods of fan-only operation in dehumidification mode because the setpoint has been reached or the product is not being used for the main purpose of moisture removal. For this reason, DOE proposes to include the following definition of ''fan-only mode'' in appendix X1:

Fan-only mode: An active mode in which the dehumidifier (1) has cycled off its main moisture removal function by humidistat or humidity sensor, (2) has activated its fan or blower to operate either cyclically or continuously, and (3) may reactivate the main moisture removal function according to the humidistat or humidity sensor signal.

In this document, DOE also proposes in appendix X1 to measure the energy consumption during fan-only mode according to methodology discussed in section III.B.2 of this document.

1. Dehumidification Mode

In appendix X, DOE adopted the ANSI/AHAM DH–1–2008 test procedure to determine dehumidifier active mode performance while performing its main function of removing moisture from ambient air. According to this methodology, the dehumidifier is operated continuously in a test room with nominal ambient temperature and humidity conditions of 80 ± 2.0 °F dry-bulb temperature and 69.6 ± 1.0 °F wet-bulb temperature. Following a stabilization period during which three consecutive measurements at 10-minute intervals of dry-bulb temperature, wet-bulb temperature, and applied voltage must remain within allowable tolerances, the dehumidifier is operated continuously for 6 hours while collecting the condensate and recording the energy consumption. At the end of the test, the condensate is weighed and this value is used to calculate the unit's capacity, in pints per day. The calculation incorporates equations to normalize the results to nominal ambient conditions, accounting for variability in ambient conditions from test to test. The ANSI/AHAM DH–1–2008 test procedure includes a calculation for EF, expressed in liters per kilowatt hour (L/kWh), with corrections to normalize the data to nominal ambient conditions. Appendix X additionally includes the calculation of IEF, also expressed in L/kWh, which combines active mode energy consumption with the combined low-power mode energy consumption based on annual usage estimates for each mode.

a. Ambient Temperature

As noted previously, the active mode provisions in appendix X that measure the moisture removal rate and energy consumption during dehumidification mode specify ambient conditions at a nominal 80 °F dry-bulb temperature and 69.6 °F wet-bulb temperature, which correspond to 60-percent relative humidity, for the duration of the 6-hour test. This section discusses proposed ambient temperature options for both portable and whole home dehumidifiers. The proposals in this section are based on ambient and ground temperature for specific geographical locations that represent the majority of national dehumidifier use, and testing of a market representative sample of dehumidifiers. DOE tested 13 portable and 14 whole-home dehumidifiers according to ANSI/AHAM DH–1–2008 at varying temperatures.

In response to the August 2012 Framework Document, AHAM commented that, although representative values for dehumidifier ambient conditions are difficult to specify due to variability in factors such as geographical locations and locations within the living space, the existing ambient conditions in the test procedure adequately address these differences and should not be amended. However, AHAM requested that if DOE does consider amending the test conditions, it should conduct studies on average geographical locations and average living space locations in which dehumidifiers are used and the ambient conditions in those spaces. Furthermore, AHAM commented that DOE would need to consider the effect of amended ambient conditions on measured energy use and on repeatability and reproducibility of the test procedure. (AHAM, No. 8 at pp. 4–5)

Appliance Standards Awareness Project (ASAP), American Council for an Energy-Efficient Economy (ACEEE), Consumers Union (CU), Natural Resources Defense Council (NRDC), and Northwest Energy Efficiency Alliance (NEEA), (hereafter the ''Joint Commenters'') and the California IOUs commented that the current single rating condition specified in ANSI/AHAM DH–1–2008 is not representative of field conditions where dehumidifiers are used, and that testing at 80 °F and 60-percent relative humidity may overstate EF compared to operation in the field over a range of ambient conditions. ASAP and the Joint Commenters referenced a study conducted by the Cadmus Group (hereafter referred to as the Cadmus Group Study) [5] that found the measured EFs of units in the field to be significantly lower than rated, and that attributed the difference, in part, to the ambient conditions (temperature and relative humidity) in the field being significantly lower than the current test conditions. ASAP and the Joint Commenters also referenced a National Renewable Energy Laboratory (NREL) study [6] that summarized testing on six dehumidifiers and showed significant decreases in EF as either ambient temperature or relative humidity decreased. (ASAP, Public Meeting Transcript, No. 10 at pp. 19–21; Joint Commenters, No. 9 at pp. 1–5; California IOUs, No. 11 at pp. 1–3)

The Joint Commenters and ASAP further stated that the test procedure

[5] L. Mattison and D. Korn, ''Dehumidifiers: A Major Consumer of Residential Electricity,'' The Cadmus Group, Inc., *2012 ACEEE Summer Study on Energy Efficiency in Buildings,* August 2012, Pacific Grove, CA. Available online at: *www.aceee.org/files/proceedings/2012/data/papers/0193-000291.pdf.*

[6] J. Winkler, D. Christensen, and J. Tomerlin, ''Laboratory Test Report for Six ENERGY STAR® Dehumidifiers,'' National Renewable Energy Laboratory, NREL/TP–5500–52791, December 2011. Available online at: *www.nrel.gov/docs/fy12osti/52791.pdf.*

does not capture dehumidifier performance under frost conditions (*i.e.,* when ice accumulates on the evaporator as the dry-bulb temperature drops below 65 °F, for most units), which a dehumidifier operating in a basement is likely to experience. ASAP commented that data from the *Residential Energy Consumption Survey* (*RECS*) [7] indicate that 75 percent of homes with dehumidifiers have basements, where temperatures are lower than 80 °F. The Joint Commenters referenced the ''Building Foundations Design Handbook'' to suggest that the typical temperatures of unconditioned basements range between 55 °F and 70 °F.[8] The Joint Commenters also stated that both ANSI/AHAM DH–1–2008 and *Consumer Reports* [9] testing of dehumidifiers reflect the importance of adequate operation under frost conditions. The Joint Commenters noted that the ''low temperature test'' in ANSI/AHAM DH–1–2008, which includes recommended levels of performance related to unit operation and frost accumulation, is conducted at 65 °F, and that *Consumer Reports* ratings of dehumidifiers include ''cool room performance,'' which is conducted at 50 °F. The Joint Commenters urged DOE to amend the test procedures to more accurately reflect field conditions and performance by including at least one low-temperature rating point (*e.g.,* 60 °F), which is likely to occur in basements and at which frost accumulation can affect operation. (ASAP, Public Meeting Transcript, No. 10 at pp. 20–22; Joint Commenters, No. 9 at pp. 2–5)

In response to these comments and as described in the following paragraphs, DOE conducted additional research regarding the typical ambient conditions under which residential portable and whole-home dehumidifiers operate. In its analysis, DOE investigated regional and time-of-year usage patterns as well as likely installation locations within the home.

Ambient Operating Conditions

The ''Builder's Foundation Handbook,'' published in 1998 by Oak Ridge National Laboratory as an update to its 1988 ''Building Foundation Design Handbook,'' states that ambient temperatures in unconditioned basements in most climates in the United States typically range between 55 °F and 70 °F. A field study by the Energy Center of Wisconsin (hereafter referred to as the Wisconsin Study),[10] conducted in various homes across Wisconsin in 2010, assessed the net electricity savings from sub-slab ventilation systems installed in ENERGY STAR Homes [11] that use basement dehumidifiers. Appendix B of this field study presents the basement temperature in 49 homes between June and November. Based on these data, the typical basement temperatures in Wisconsin, which is part of the region that represents the largest dehumidifier market, are between 60 °F and 75 °F for these months.

In addition to considering the findings in these studies, DOE conducted further analysis based on consumer and climate data to determine the most representative dehumidifier test conditions. DOE reviewed the 2009 *RECS* database to identify the geographic regions that account for the majority of dehumidifier usage. DOE found that of the 15 million homes that reported using dehumidifiers, 5.1 million were located in the Northeast region and 6.5 million were in the Midwest region. *RECS* includes additional dehumidifier usage data for two sub-regions within each of these regions, but does not disaggregate the data by state within the sub-regions.

DOE noted that, in response to a March 27, 2006 framework document (71 FR 15059), AHAM submitted estimated dehumidifier monthly usage data.[12] AHAM's medium estimate indicated 1,095 annual active mode operating hours from April to October. The majority of dehumidifier annual operation, 73.5 percent, occurs in the summer months between June and August, while the other 26.5 percent occurs in April, May, September, and October. Table III.1 lists the AHAM-estimated active mode operation hours per month.

TABLE III.1—AHAM MEDIUM ESTIMATE OF MONTHLY OPERATING HOURS

Month	Operating hours
Jan	0
Feb	0
Mar	0
Apr	14
May	86
Jun	231
Jul	288
Aug	288
Sep	130
Oct	58
Nov	0
Dec	0
Total	1,095

The AHAM usage estimates vary as a function of the month. DOE therefore analyzed available temperature data on a monthly basis, and then calculated a weighted average based on the monthly usage estimates. DOE analyzed 2012 hourly temperature and relative humidity data from the National Climatic Data Center (NCDC) of the National Oceanic and Atmospheric Administration (NOAA), collected at weather stations in each of the states in the two regions with significant dehumidifier ownership, as identified by *RECS.*

For the reasons discussed in section III.B.1.b of this document, DOE estimated that consumers are likely to operate dehumidifiers when the ambient relative humidity is at or above 60 percent. From the NCDC data, DOE calculated the average ambient temperature for each state within the regions with significant dehumidifier ownership for the hours with at least 60-percent relative humidity during the months of dehumidifier usage. DOE then averaged the individual states' ambient temperatures to determine a representation of the average monthly ambient temperatures with at least 60-percent relative humidity for each sub-region represented by the *RECS* data. Using the *RECS* dehumidifier ownership data for each sub-region, DOE used a weighted average to determine the representative average monthly ambient temperature for each of the regions (*i.e.,* Northeast and Midwest) that represent significant dehumidifier use. DOE then combined the regional data, using a similar weighted-average approach with the *RECS* dehumidifier ownership data, into overall monthly average ambient temperatures with at least 60-percent relative humidity. DOE then combined these average monthly temperatures into a single weighted-average annual

[7] *RECS* data are available online at: *www.eia.gov/consumption/residential/data/2009/.*

[8] ''Builder's Foundation Handbook,'' Oak Ridge National Laboratory. May 1998, page 11. Available online at: *www.ornl.gov/sci/roofs+walls/foundation/ORNL_CON-295.pdf.*

[9] *www.consumerreports.org/cro/best-dehumidifiers.htm.*

[10] ''Dehumidification and Subslab Ventilation in Wisconsin Homes,'' Energy Center of Wisconsin. ECW Report Number 258–1, June 2010. Appendix B, pp. 29–42. Available online at: *www.ecw.org/ecwresults/258-1.pdf.*

[11] Wisconsin ENERGY STAR Homes Program is a voluntary program promoting building practices that address combustion safety, building durability, occupant comfort, indoor air quality, and energy efficiency. According to the ENERGY STAR Web site, over 15,000 homes are certified to the program to date. Additional information is available online at: *www.energystar.gov/index.cfm?fuseaction=new_homes_partners.showStateResults&s_code=WI.*

[12] ''AHAM Data on Dehumidifiers for Efficiency Standards Rulemaking,'' Association of Home Appliance Manufacturers, August 23, 2006. Docket No. EE–2006–STD–0127, Comment Number 17.

temperature using the AHAM-estimated monthly hours of operation. From this analysis, DOE determined that the average annual ambient temperature, in regions where the majority of dehumidifiers are used during the months of dehumidifier usage and when the relative humidity is at least 60 percent, is 64.1 °F. DOE notes that this temperature is close to the dry-bulb temperature specified in the low-temperature test in ANSI/AHAM DH–1–2008 (65 °F). ANSI/AHAM DH–1–2008 also states that this ambient condition was selected based on manufacturer surveys that have shown that for areas typically dehumidified (*i.e.,* basements or other sub-ground level areas), a significant portion of users want to operate their dehumidifier at temperatures as low as 65 °F. Due to the similarity between this temperature and the average annual ambient temperature determined from DOE's analysis (64.1 °F), DOE tentatively concludes that 65 °F is a representative dry-bulb temperature at which to conduct dehumidification mode testing.

DOE further investigated whether the 65 °F ambient temperature is more representative of actual conditions than 80 °F by comparing the number of annual hours within the regions with significant dehumidifier use that experienced at least 60-percent relative humidity within the test tolerance of 80 °F ± 2 °F (78–82 °F) with the number of hours within 65 °F ± 2 °F (63–67 °F). Using the same region-based weighted-average approach described above but only for the hours within the temperatures of interest at which the relative humidity is at least 60 percent, DOE determined that a total of 112 hours annually, on average, are at the nominal 80 °F conditions, while 433 hours annually, on average, are spent at the nominal 65 °F conditions. Figure III.1 presents the entire distribution of weighted-average annual hours as a function of ambient temperature, and shows that the number of annual hours when the relative humidity is above the 60-percent threshold decreases significantly at 70 °F and higher. In addition, the annual hours decrease at ambient temperatures below 60 °F.

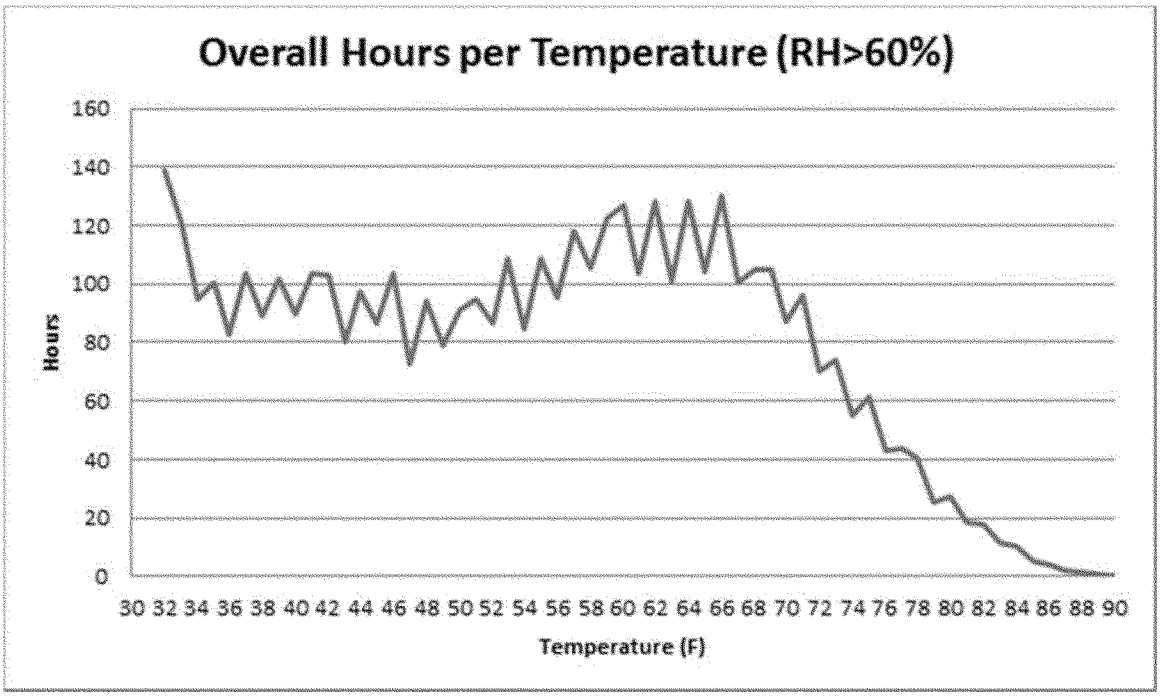

Figure III.1 Overall Weighted-Average Annual Hours at Different Ambient Temperatures and a Relative Humidity of at Least 60-Percent

This analysis suggests that dehumidifier operation occurs most frequently when the ambient temperature is in the range of 60–70 °F, and that dehumidifiers likely operate nearly four times more frequently at a 65 °F ambient temperature than at 80 °F, which further indicates that testing in dehumidification mode at 65 °F dry-bulb temperature is more representative of typical dehumidifier use than testing at 80 °F.

As ANSI/AHAM DH–1–2008 noted, areas that are typically dehumidified include basements and other sub-ground level locations. Because the ambient conditions in some of these locations may be more dependent on the ground temperature than the outside air temperature, DOE conducted further investigation of the representative ambient temperature for these cases. As a proxy for the typical basement temperature, DOE considered the NCDC data for the hourly soil temperature, measured at a depth of 40 inches (about 1 meter). DOE conducted an analysis similar to the analysis conducted for the average outside air temperature, calculating the sub-region, region, and overall weighted-average monthly soil temperatures based on the *RECS* usage data. DOE then calculated the weighted-average annual soil temperature based on the AHAM estimated monthly usage patterns. This analysis resulted in a weighted-average annual soil temperature of 65.2 °F for regions with significant dehumidifier use during the months in which dehumidifiers are operated. This temperature, which may be representative of basement and crawl-space ambient conditions, closely matches the weighted-average annual outside air temperature.

Based on this analysis and comments from interested parties, DOE determined that the most appropriate and representative dehumidification mode testing conditions is likely 65 °F dry-bulb temperature and 60-percent relative humidity. As discussed previously, these conditions are identical to those specified in the ''Low Temperature Test'' in ANSI/AHAM DH–1–2008, which manufacturers may already be conducting, thereby reducing testing burden because manufacturers will not need to conduct tests at a temperature other than that specified in the industry-accepted low temperature test. Accordingly, DOE is proposing to require dehumidification mode testing in appendix X1 at nominal ambient conditions of 65 °F dry-bulb temperature and 56.6 °F wet-bulb temperature, which corresponds to 60-percent relative humidity, for both portable and whole-home dehumidifiers.

Although the analysis above identifies 65 °F as the most representative dry-bulb temperature during testing, DOE acknowledges that a portion of annual dehumidifier operation likely occurs at a higher ambient temperature. As an alternate approach to the proposal for testing at 65 °F in appendix X1, testing at both 65 °F and 80 °F, with 60-percent relative humidity for each, may be appropriate. The IEF and capacity results from the two test conditions would be combined to form single values of IEF and capacity by, for example, calculating a weighted average based on the number of annual hours associated with each test condition as described above. In this example, the weighting factors would be 79 percent for the 65 °F test conditions (433 annual hours at 65 °F ± 2 °F divided by 545 total annual hours at nominal both conditions) and 21 percent for the 80 °F conditions (112 annual hours at 80 °F ± 2 °F divided by 545 total annual hours at both conditions). Other weighting factors could be considered as well. DOE notes there would be additional burden associated with this alternate approach of testing at two different conditions and then combining results into one metric because two stabilization periods and two 6-hour test periods would be required for each dehumidification mode test.

Whole-Home Dehumidifiers

The Joint Commenters suggested that typical operating conditions for whole-home dehumidifiers are different than those for portable units. They stated that for whole-home units, the dry-bulb temperature of the entering air will be close to the thermostat setting in the home. (Joint Commenters, No. 9 at p. 5)

RECS contains information on average indoor temperature for three different times of the day: (1) during the day when the residence is occupied, (2) during the day when the residence is unoccupied, and (3) during the night. Table III.2 below contains the results of DOE's investigation of summer average indoor temperatures for 1,735 homes in the Northeast and Midwest regions, considered by *RECS* to be the regions with the heaviest use of dehumidification.

TABLE III.2—*RECS* INDOOR TEMPERATURE

Time of day	Occupied	Season	Temperature (°F)
Day	Yes	Summer	72.3
Day	No	Summer	73.7
Night	Yes	Summer	72.2
Average			72.7
Number of Homes			1,735

As an alternative to the 65 °F inlet condition and the weighted combination of the 65 °F and 80 °F inlet conditions discussed above for portable dehumidifiers, DOE may consider requiring in appendix X1 ducted testing for whole-home dehumidifiers with the inlet air temperature equal to the average indoor temperature in the regions requiring the most dehumidification. To date, the data available to DOE suggest that this alternative inlet temperature would be 73 °F. DOE requests any additional information on typical indoor temperatures and comment on this proposed approach.

Performance Impacts at Reduced Temperature

Similar to other refrigeration-based systems, when a dehumidifier operates at lower ambient temperatures, the air flowing over the evaporator (*i.e.,* intake air) does not provide as much heat transfer to the refrigerant to evaporate it, thereby reducing the compressor power and overall dehumidifier capacity. In addition, at ambient temperatures of 65 °F or below, the water condensing on the evaporator may freeze, limiting air flow and further reducing efficiency and capacity. Dehumidifiers often incorporate a thermocouple attached to the refrigerant tubing in the evaporator to determine if icing has occurred. The dehumidifier then either shuts down all active mode operation to allow the ice to passively melt, or ceases compressor operation and operates the fan to pass ambient air over the evaporator to melt the ice. This fan operation is more energy consumptive than a passive defrost approach, but is more effective at removing ice, allowing the compressor to be reactivated more quickly. DOE considers such fan operation to be part of dehumidification mode, distinct from fan-only mode operation wherein the humidity setpoint has been reached.

To investigate the performance and efficiency impacts of varying ambient temperature conditions, DOE selected a test sample of 13 portable dehumidifiers spanning a range of manufacturers, capacities, and efficiencies. In addition, DOE selected one representative whole-home unit for which to assess initial impacts of varying temperature. These units are listed in Table III.3. DOE performed dehumidification mode testing on these 14 dehumidifiers at three dry-bulb temperatures: (1) 80 °F, the temperature currently specified for active mode testing according to appendix X; (2) 65 °F, the temperature required for the low temperature test in ANSI/AHAM DH–1–2008; and (3) 55 °F, the lowest operating setpoint which could be met for all test units per manufacturer documentation. The relative humidity was set at 60 percent for all tests. Because these tests focused on determining the effect of reduced ambient temperature on active mode energy use independent of standby power considerations, DOE measured EF rather than IEF for this test series.

After testing this range of temperatures on the sample of 14 dehumidifiers and conducting analysis which suggests that 65 °F is a representative ambient temperature for

dehumidifiers generally, DOE conducted additional whole-home dehumidifier testing to investigate the impact of reducing the test temperature from 80 °F to 65 °F. DOE selected 13 more whole-home models for ambient temperature and ducted installation testing (discussed in section III.B.1.c of this document), of which nine units were chosen for unducted testing at both 80 °F and 65 °F ambient conditions to further understand the effects of ambient temperature. For the purposes of this testing, DOE included in the whole-home test sample those units that could be optionally ducted or unducted. Table III.3 lists the additional whole-home units tested.

TABLE III.3—DEHUMIDIFIER INVESTIGATIVE TEST SAMPLE

Initial ambient temperature test sample		Additional whole-home dehumidifier test sample	
Test unit	Reported capacity (pints/day)	Test unit	Reported capacity (pints/day)
P1	30	W1	70
P2	40	W2	70
P3	40	W3 [a]	90
P4	45	W4 [a]	90
P5	50	W5 [a]	100
P6	50	W6	105
P7	50	W7 [a]	120
P8	50	W8 [a]	120
P9	60	W9 [a]	135
P10	65	W10 [a]	155
P11	70	W11	155
P12	70	W12 [a]	200
P13	110	W13 [a]	205
W14 [b]	105		

[a] Tested for ambient temperature investigation as well as ducting configuration.
[b] Tested only for ambient temperature investigation.

During ambient temperature testing, DOE observed that for all test units at 80 °F, the compressor and fan operated continuously for the entire test period. At the lower temperatures, certain dehumidifiers in the test sample had cyclic or intermittent periods of fan-only operation for defrosting or frost prevention, with the duration and frequency of such periods increasing at the lowest temperature (55 °F).

All dehumidifiers in DOE's investigative test sample performed at lower EFs and capacities during low-temperature investigative tests conducted at the 65 °F and 55 °F dry-bulb temperatures than at the 80 °F condition specified in appendix X. Because, as discussed above, the 65 °F dry-bulb temperature condition appears to more accurately reflect actual installations than the current test procedure ambient temperature requirement, the EF and capacity measured at this temperature, while lower than the values that would be measured under the current appendix X, should more accurately represent dehumidifier performance in the field.

Table III.4 shows the impacts on capacity and EF that were measured by reducing the ambient test temperature from 80 °F to 65 °F and 55 °F.

TABLE III.4—PER-UNIT AND PRODUCT CLASS AVERAGE PERFORMANCE IMPACTS AT REDUCED AMBIENT TEMPERATURES

Product class (pints/day)	Test unit	Percent change in capacity from 80 °F (%)		Percent change in EF from 80 °F (%)	
		65 °F	55 °F	65 °F	55 °F
<35.00	P1	−35	−74	−26	−57
	Class Average	−35	−74	−26	−57
35.01–45.00	P2	−77	−91	−61	−79
	P3	−48	−73	−32	−53
	P4	−33	−69	−15	−46
	Class Average	−53	−78	−36	−59
45.01–54.00	P5	−39	−91	−25	−81
	P6	−33	−78	−21	−62
	P7	−36	−76	−21	−59
	Class Average	−36	−82	−22	−67
54.01–75.00	P8	−61	−78	−39	−67
	P9	−39	−86	−32	−63
	P10	−65	−83	−36	−60
	P11	−59	−83	−35	−64
	P12	−36	−81	−14	−64
	Class Average	−52	−82	−31	−63
>75.00	P13	−27	−96	−15	−90
	W3	−35		−21	
	W4	−42		−29	
	W5	−49		−26	
	W7	−27		−15	

TABLE III.4—PER-UNIT AND PRODUCT CLASS AVERAGE PERFORMANCE IMPACTS AT REDUCED AMBIENT TEMPERATURES—Continued

Product class (pints/day)	Test unit	Percent change in capacity from 80 °F (%)		Percent change in EF from 80 °F (%)	
		65 °F	55 °F	65 °F	55 °F
	W8	−24		5	
	W9	−49		−33	
	W10	−20		−4	
	W12	−42		−35	
	W13	−45		−35	
	W14	−39	−94	−25	−80
	Class Average	−36	−95	−21	−85

As shown in Table III.4, DOE testing demonstrates a significant percentage reduction in both capacity and EF at temperatures lower than 80 °F. At 65 °F, capacity drops per product class average by as much as 53 percent and EF by up to 36 percent. DOE notes that at 55 °F, the units in the test sample show an even greater reduction in capacity and EF as the units approach their lowest operating temperature and perform frequent defrost functions.

Under DOE's alternate approach, which would combine results from testing at 80 °F and 65 °F using a weighted average, there would still be a significant reduction in capacity and EF, as well as IEF when used, because the results of the 65 °F test would receive a 79-percent weighting in the combined calculation. Therefore, a modification in the test procedure conditions for appendix X1 would likely result in significant reductions in measured capacity, EF, and IEF under either the proposed approach or alternate combined calculation. DOE would consider the effects of any reduction to capacity and active mode energy use resulting from the proposed test procedure amendments when determining appropriate energy conservation standards for dehumidifiers.

DOE also numerically estimated whole-home dehumidifier performance under the alternative proposal for testing these units at 73 °F using data measured for whole-home units at 80 °F, 65 °F, and 55 °F ambient temperatures. DOE first developed generalized curves relating dehumidifier normalized capacity and EF (*i.e.,* capacity at the test ambient temperature divided by capacity measured at 80 °F, and EF at the test ambient temperature divided by EF measured at 80 °F) to ambient temperature, which will define these relationships independent of rated capacity. DOE determined that the best curve fit for both capacity and EF as a function of temperature and relative humidity is a biquadratic equation, which is typically used for HVAC equipment. However, since relative humidity was held constant at 60 percent, the biquadratic equations reduce to quadratic equations with terms that scale with temperature and the square of the temperature, in the form of f(temperature) = [A×(temperature^2) + B×(temperature) +C]. Using data for capacity and EF measured at the three ambient temperatures, DOE calculated the coefficients for the normalized capacity versus temperature function and the normalized EF versus temperature function. From these coefficients, DOE estimated capacity and EF at the proposed alternative ambient temperature of 73 °F, as shown in Table III.5.

TABLE III.5—ESTIMATED WHOLE-HOME DEHUMIDIFIER PERFORMANCE IMPACT AT 73 °F AMBIENT TEMPERATURE

Test unit	Dehumidification technology	Capacity change (%)	EF Change (%)
W3	Refrigerant	−15	−6
W4	Refrigerant	−18	−9
W5	Refrigerant	−21	−8
W7	Refrigerant-Desiccant	−12	−5
W8	Refrigerant	−10	2
W9	Refrigerant	−21	−10
W10	Refrigerant	−9	−1
W12	Refrigerant-Desiccant	−18	−11
W13	Refrigerant	−19	−11
Average		−16	−7

Due to the expected effects on capacity at the proposed reduced ambient temperature in appendix X1, DOE also proposes to amend the definition of ''product capacity'' in appendix X1 to clarify that it is a measure of the amount of moisture removed per 24-hour period under the specified ambient conditions. For consistency and clarity, DOE also proposes to similarly amend the definition of product capacity in appendix X.

Summary and Request for Comments

DOE requests comment on its analysis of representative ambient conditions and the proposal to require dehumidification mode testing in appendix X1 at 65 °F dry-bulb temperature and 56.6 °F wet-bulb temperature (*i.e.,* 60-percent relative humidity). DOE welcomes input on the reductions to active mode energy use and capacity that would occur as a result of the proposed modifications to the test procedure ambient dry-bulb

conditions. DOE also welcomes comment on the alternate approach of conducting dehumidification mode testing at both 65 °F and 80 °F ambient temperatures, with IEF and capacity calculated from the combined results of the two tests. For such a combined approach, DOE invites input on appropriate weighting factors. DOE additionally seeks comment on the alternate approach for whole-home dehumidifiers, in which dehumidification mode testing would be conducted at 73 °F ambient temperature to be representative of average residential thermostat settings. DOE also seeks comment on the testing burden associated with the proposal for testing at 65 °F and the alternate approaches.

b. Relative Humidity

In response to the August 2012 Framework Document, DOE received comments regarding the applicability and appropriateness of the relative humidity conditions specified in the dehumidifier test procedure. The Joint Commenters and California IOUs expressed concerns regarding the current test procedure relative humidity conditions, citing several studies and other sources of information. These interested parties claimed that:

(1) Adverse health effects, such as respiratory infections and allergies, are minimized by maintaining ambient relative humidity between 40 percent and 60 percent. (Joint Commenters, No. 9 at p. 3)

(2) While people generally cannot sense fluctuations in relative humidity levels between 25 percent and 60 percent, most people can sense when the relative humidity rises above 60 percent. (*Id.*)

(3) Units in the Cadmus Group study were being operated at a 50-percent relative humidity setpoint, lower than the 60-percent relative humidity ambient condition required in the test procedure. (California IOUs, No. 11 at p. 2; Joint Commenters, No. 9 at p. 3)

(4) According to the Wisconsin Study, nearly half of the basements monitored maintained an average relative humidity of less than 50 percent during the summer months, and only five dehumidifiers were being operated in relative humidity levels of at least 60 percent. (*Id.*)

The Joint Commenters, ASAP, and California IOUs believe that the current rating condition of 60-percent relative humidity represents the upper bound of both recommended levels and levels that consumers are likely to select, and that a lower relative humidity level for the test procedure would likely encourage good performance in the field where units have to work harder to remove moisture at lower relative humidity levels. Therefore, these commenters urged DOE to change the relative humidity level for the portable dehumidifier test from 60 percent to a lower value. The Joint Commenters also recommended that whole-home dehumidifier testing be conducted at a lower relative humidity level than 60 percent. (ASAP, Public Meeting Transcript, No. 10 at p. 20; California IOUs, No. 11 at pp. 1–3; Joint Commenters, No. 9 at pp. 1–5) The California IOUs also stated that ENERGY STAR suggests that the optimum relative humidity level for a building is between 30 percent and 50 percent, which, according to the California IOUs, would suggest that dehumidifiers are likely to be less efficient in real-world operation than in their test results. (California IOUs, No. 11 at p. 2)

DOE reviewed the studies cited in the above comments, and conducted additional research on the appropriate level of relative humidity for the dehumidification mode testing. Regarding potential health impacts outside a certain range of relative humidity, DOE notes that ANSI/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 55–2013, ''Thermal Environmental Conditions for Human Occupancy'' (ASHRAE 55), states that that there is an acceptable range of indoor relative humidity for thermal comfort, with an upper limit of 0.012 humidity ratio (pounds of water divided by pounds of dry air) at standard pressure, which corresponds to a relative humidity of approximately 55 percent at a dry-bulb temperature of 80 °F. At lower dry-bulb temperatures, 60-percent relative humidity would correspond to a humidity ratio below the upper comfort limit.[13] DOE further notes that the Occupational Safety and Health Administration (OSHA) Technical Manual recommends that employers control humidity and maintain a range of 20 to 60 percent.[14]

This information, in aggregate, indicates that 60-percent relative humidity is a representative upper bound for an ambient humidity condition that consumers would find acceptable. In addition, among the 21 sampled homes metered in the Cadmus Group study, DOE observes that the average consumer-selected setpoint was for 50-percent relative humidity, with values ranging from 35 percent to 65 percent. However, the average dehumidifier setpoint is not representative of the average ambient relative humidity during dehumidification mode, because dehumidifiers operate only when the ambient air relative humidity is higher than the setpoint and shut off dehumidification when the controls detect that the target relative humidity level has been reached. DOE gathered information on the actual ambient relative humidity during dehumidification mode from a metering study conducted in 20 homes in Houston, Texas, over approximately a year for various categories of dehumidifiers, both portable and whole-home.[15] During this study, the homeowners were not required to set a specific relative humidity setpoint; it was recommended to them, however, to maintain a relative humidity of around 55 percent. The subsequent metering found that, in homes with dehumidification separate from cooling, on average 5 percent of metered hours were spent at relative humidity levels greater than 60 percent, although three out of the 10 units exceeded 60-percent relative humidity 15 to 25 percent of the time. The Cadmus Group study, referenced by ASAP, the California IOUs, and the Joint Commenters, also observed varying accuracy of humidity controls in maintaining the relative humidity at the setpoint. In the Wisconsin Study of basement relative humidity levels, 11 out of 40 participating sites had daily averages that exceeded 60-percent humidity for at least 25 percent of the summer season, while 16 sites experienced daily averages ranging from 50 to 60 percent for at least 25 percent of the summer season.

DOE additionally examined manufacturer literature for portable dehumidifiers to ascertain what default relative humidity settings are provided by manufacturers. DOE observed that, among manufacturers and brands that specified to the consumer what the initial default relative humidity level is, the most common setting was 60 percent. However, the majority of

[13] Further information on thermal comfort may be found in Appendix F of ASHRAE Standard 55–2013. Available for purchase online at *www.ashrae.org.*

[14] ''OSHA Technical Manual,'' U.S. Department of Labor, Occupational Safety and Health Administration, TED 01–00–015, Section III, Chapter 2, January 20, 1999. Available online at: *www.osha.gov/dts/osta/otm/otm_iii/otm_iii_2.html#5.*

[15] A.F. Rudd, J.W. Lstiburek, P. Eng, and K. Ueno. ''Residential Dehumidification Systems Research for Hot-Humid Climates,'' Conducted by Building Science Corporation for the U.S. Department of Energy Building Technologies Program, NREL/SR–550–36643, February 2005.

portable dehumidifiers are equipped with electronic controls and an automatic restart feature, in which the previous settings are retained when the unit is powered off or disconnected from the supply power. If portable dehumidifiers operate in dehumidification mode largely at a consumer-selected relative humidity setting, that setting, as seen in the Cadmus Group study, would be on average approximately 50 percent.

These data characterize the relative humidity levels and dehumidifier settings experienced in real-world dehumidifier installations. While dehumidifiers may operate under a range of ambient relative humidity levels, the average setpoint observed in the Cadmus Group study and the recommended relative humidity level from ASHRAE 55 suggest that consumers use dehumidifiers to achieve relative humidity levels from 50 to 55 percent. For a unit to operate in dehumidification mode, the ambient relative humidity must be higher than the setpoint. Therefore, DOE proposes that the ambient relative humidity level maintained throughout dehumidification mode testing remain at 60 percent, as specified in ANSI/AHAM DH–1–2008.

DOE also notes that each of the three different ambient temperature tests in ANSI/AHAM DH–1–2008, including the test at the 65 °F dry-bulb temperature that DOE is proposing for appendix X1, is conducted at 60-percent relative humidity. Maintaining this 60-percent relative humidity test condition would minimize manufacturer testing burden, as manufacturers may already be conducting the low-temperature test in ANSI/AHAM DH–1–2008. For the above reasons, DOE is not proposing to amend the ambient relative humidity in appendix X1. To achieve 60-percent relative humidity at the proposed 65 °F dry-bulb temperature, the wet-bulb temperature would be specified as 56.6 °F. DOE requests comment on this proposed determination to maintain the 60-percent ambient relative humidity requirement.

c. Ducted Test Installation for Whole-Home Dehumidifiers

This section discusses proposed modifications to the dehumidifier test setup and additional required instrumentation for whole-home dehumidifiers. DOE based its proposals on research of current industry practices for testing ducted air treatment devices and investigative testing of 13 whole-home dehumidifiers under various testing configurations.

As discussed in section III.A of this document, whole-home dehumidifiers are intended to be installed and operated as part of a ducted air-delivery system. These units are designed with standard-size collars to interface with the home's HVAC ducting, and typically require two ducts for the process air stream: a supply air intake for return air from the dehumidified space and an air outlet for delivery of the dehumidified air to the same space. Certain whole-home dehumidifiers also provide an option to connect an additional fresh air duct to the inlet to dilute indoor pollutants and maintain high oxygen content in the air. The amount of fresh air ventilation can be regulated by a variety of dampers and controls. In addition, some whole-home dehumidifiers are designed to operate attached to multiple outlet ducts to allow for the distribution of dry air to multiple rooms or multiple sections in a home's air delivery system.

The California IOUs expressed concern that the existing test procedure is not appropriate for measuring the efficiency of whole-home units and requested that DOE consider a modified test procedure for these units. (California IOUs, No. 11 at p. 4)

The test setup currently provided in appendix X for dehumidification mode testing does not specify the attachment of ducting to the inlet or outlet of the unit. The ducting in a typical installation imposes an external static pressure (ESP) which reduces airflow and affects the capacity and efficiency. To evaluate these impacts as a function of ducting configurations, DOE conducted investigative dehumidification mode testing on a sample of 13 whole-home dehumidifiers, including the two refrigerant-desiccant units. Table III.6 provides characteristics of the units selected for investigative testing. All units were first tested according to appendix X to establish baseline unducted performance. DOE subsequently conducted additional investigative testing to determine the potential impacts of modifying the appendix X conditions to measure whole-home dehumidifier performance in a ducted installation.

TABLE III.6—DOE WHOLE-HOME DEHUMIDIFIER INVESTIGATIVE TEST SAMPLE

Sample No.	Duct collar configuration	Dehumidifier technology	Rated capacity (pint/day)	Rated EF (L/kWh)
W1	Single Outlet	Refrigerant	70	2.37
W2	Single Outlet	Refrigerant	70	2.37
W3	Single Outlet	Refrigerant	90	2.50
W4	Single Outlet	Refrigerant	90	2.53
W5	Single Outlet	Refrigerant	100	2.60
W6	Dual Outlet	Refrigerant	105	4.20
W7	Dual Airstreams	Refrigerant-Desiccant	120	3.30
W8	Single Outlet	Refrigerant	120	2.70
W9	Single Outlet	Refrigerant	135	1.80
W10	Single Outlet	Refrigerant	155	3.50
W11	Dual Outlet	Refrigerant	155	3.50
W12	Dual Airstreams	Refrigerant-Desiccant	200	2.47
W13	Single Outlet	Refrigerant	205	2.70

Ratings are based on testing according to appendix X.

Refrigerant-desiccant dehumidifiers also incorporate the supply air intake and dehumidified air outlet for the process air stream, but have additional intake and outlet ducts for the reactivation air. The reactivation air is drawn from and discharged to a location outside of the dehumidified space, typically outdoors.

For clarity, DOE proposes in this NOPR to adopt the following definitions for ''reactivation air'' in appendix X1:

Reactivation air: The air drawn from unconditioned space to remove moisture from the desiccant wheel of a refrigerant-desiccant dehumidifier and discharged to unconditioned space.

Capacity Measurement for Refrigerant-Desiccant Dehumidifiers

Product capacity represents the amount of moisture a dehumidifier would remove in a 24-hour period of operation at the specified ambient conditions. Appendix X's current capacity measurement methodology involves weighing the amount of water collected during the 6-hour dehumidification mode test and adjusting the recorded weight to account for slight variations from nominal ambient temperature, relative humidity, and barometric pressure. This value is then multiplied by 24 and divided by the test duration in hours to determine the pints of moisture that would be removed per day.

The majority of whole-home dehumidifiers rely solely on a refrigeration system to remove moisture, for which capacity can be accurately measured by the current appendix X methodology, and thus DOE proposes to retain this methodology for whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers. Refrigerant-desiccant dehumidifiers, however, use both a refrigeration system to remove some moisture from the process air (in liquid form) and a desiccant wheel to remove additional moisture from the process air by transferring it (in vapor form) to the reactivation airstream.

To address refrigerant-desiccant dehumidifiers, DOE developed a capacity calculation that determines the mass of moisture removed from the process airstream using the difference in psychrometric properties between the inlet and outlet air streams. Specifically, the measured dry-bulb temperature and relative humidity are used to determine the absolute humidity at both locations in pounds of water per cubic foot of dry air. The absolute humidity is then multiplied by the volumetric flow rate, measured in cubic feet per minute, to determine the process air inlet and outlet moisture flow rates, measured in pounds of water per minute. The difference between the inlet and outlet moisture flow rates determines the amount of moisture the unit under test removes from the process air. Unlike the current condensate collection capacity method, DOE believes that the proposed vapor capacity calculation method would accurately account for the total moisture that refrigerant-desiccant dehumidifiers remove from the process airstream.

DOE applied the vapor capacity calculation method to the whole-home dehumidifiers in its investigative sample to compare it to the method of determining capacity from condensate collection, as well as to understand the relative contributions of condensation and desiccant moisture removal for refrigerant-desiccant dehumidifiers. Nine whole-home units, including two refrigerant-desiccant units, were tested in this investigation at 65 °F dry-bulb ambient temperature, 60-percent relative humidity, and 0.5 inches of water column (in. w.c.) ESP. Six of the seven refrigeration-based samples in Table III.7 demonstrate close correlation between the vapor and condensate methods, validating the vapor capacity calculation method.

TABLE III.7—COMPARISON OF CONDENSATE COLLECTION AND VAPOR CALCULATION CAPACITY METHODS

Test unit	Dehumidification technology	Compressor operation	Capacity (pints/day)			Energy factor (L/kWh)		
			Condensate capacity	Vapor capacity	Difference (%)	Condensate capacity	Vapor capacity	Difference (%)
W3	Refrigerant	Continuous	53	52	−2	1.59	1.57	−1
W4	Refrigerant	Continuous	53	51	−4	1.43	1.38	−4
W5	Refrigerant	Cycling	49	68	39	1.89	2.66	40
W7	Refrigerant-Desiccant	Continuous	42	84	100	1.08	2.18	101
W8	Refrigerant	Continuous	58	55	−4	1.44	1.37	−4
W9	Refrigerant	Continuous	71	71	−1	1.10	1.09	−1
W10	Refrigerant	Continuous	109	113	3	2.82	2.85	1
W12	Refrigerant-Desiccant	Continuous	70	99	41	0.75	1.11	48
W13	Refrigerant	Continuous	108	104	−4	1.68	1.63	−3

One refrigerant-based unit, W5, demonstrates poor correlation between capacity calculation methods, but this unit was the only whole-home dehumidifier in DOE's sample that cycled the compressor during testing under these conditions. This may indicate accumulation of ice on the evaporator over the duration of the test, a condition for which the condensate collection method does not account. The two refrigerant-desiccant dehumidifiers have capacities measured by the vapor method that exceed the capacities determined from the condensate collection method by 41 percent and 100 percent, suggesting that these refrigerant-desiccant dehumidifiers remove approximately one-third or more of the total moisture removed by means of the desiccant. Therefore, DOE proposes that appendix X1 require that refrigerant-desiccant dehumidifiers use the vapor calculation to determine tested capacity to most accurately measure the total amount of moisture removed from the process air.

Duct Configuration

DOE reviewed research conducted for whole-home dehumidifiers to gain insight on possible ducting configurations, and noted that NREL's research on ENERGY STAR dehumidifiers [16] included testing of ducted whole-home dehumidifiers under inlet air conditions ranging from 60 °F to 98 °F dry-bulb temperature and 25-percent to 90-percent relative humidity. In its testing, NREL attached inlet and outlet ducts to the supply and return ducts of its laboratory air-handling system. The ducts incorporated laminar flow elements to measure volumetric flow rates, chilled mirror hygrometers to measure dew point temperatures, and thermocouple arrays to measure dry bulb temperatures.

To aid in developing detailed specifications for instrumented ducts, DOE reviewed the test procedure issued by the Air Movement and Control Association International, Inc. (AMCA), in association with ANSI and ASHRAE—ANSI/ASHRAE 51–2007/ANSI/AMCA 210–07, ''Laboratory Methods of Testing Fans for Certified

[16] ''Laboratory Test Report for Six ENERGY STAR Dehumidifiers.'' National Renewable Energy Laboratory. NREL/TP–5500–52791, December 2011. Available online at *www.nrel.gov/docs/fy12osti/52791.pdf*

Aerodynamic Performance Rating'' (ANSI/AMCA 210). The duct requirements specified in ANSI/AMCA 210 would allow for the accurate measurement of psychrometric and volumetric flow properties of the air entering and exiting a whole-home dehumidifier under test.

DOE proposes in this document to adopt in appendix X1 certain provisions regarding fresh air inlets, process air inlet and outlet ducts, test duct specifications, transition sections, and flow straighteners specified in ANSI/AMCA 210 for testing whole-home dehumidifiers.

1. Fresh Air Inlets

As discussed previously, fresh air from the exterior of a home may be directed to a second inlet on some whole-home dehumidifiers to improve the quality of the dehumidified air. However, DOE is not aware of information on the percentage of whole-home dehumidifiers equipped with this fresh air ducting option. DOE tentatively concludes that the added test burden of accounting for a second inlet duct with air flow that may be at a different temperature and humidity than the process air inlet temperature would be significant. Therefore, DOE proposes to require in appendix X1 that any fresh air collars be capped closed and sealed with tape during testing.

To investigate performance impacts of sealing the fresh air inlet and supplying all inlet air through the process air inlet duct, DOE tested five whole-home units with and without the fresh air inlet capped at 65 °F dry-bulb temperature, 60-percent relative humidity, and an ESP of 0.5 inches of water column (which, as discussed later in this section, was determined to be the most representative of whole-home dehumidifier installations). Table III.8 below contains the results of this series of testing.

TABLE III.8—IMPACT OF FRESH AIR CONNECTION ON WHOLE-HOME DEHUMIDIFIER PERFORMANCE AT 65 °F

Sample number	Capacity (pints/day)			Energy Factor (L/kWh)		
	No fresh air	With fresh air	Performance impact (%)	No fresh air	With fresh air	Performance impact (%)
3	53	54	2	1.59	1.63	3
5	49	49	1	1.89	1.98	5
8	58	60	4	1.44	1.50	5
10	109	114	4	2.82	2.91	3
13	108	113	5	1.68	1.75	4
Average			3			4

Based on these data, DOE tentatively determined that using the fresh air inlet at the ambient conditions proposed by this document has a slight positive impact on measured capacity and EF, less than or equal to 5 percent for all five test units. However, given the lack of information regarding consumer use of the fresh air ducting, DOE tentatively concludes that the impact is not significant enough to warrant the added test burden of providing separate fresh air inlet flow; therefore, DOE maintains its proposal that any fresh air inlet on a whole-home dehumidifier be capped and sealed during testing. DOE welcomes comment on this proposal, in particular on the burden associated with testing whole-home dehumidifiers with separate fresh air inlet flow, the representative ambient conditions for such fresh air supply, and the percentage of units in the field that incorporate the fresh air supply.

2. Process Air Inlet and Outlet Ducts

As a further means of reducing testing burden, DOE investigated the effects of dehumidification mode testing for refrigeration-based whole-home units using ducting only on the process air outlet, rather than both the inlet and outlet of the process airstream. The appropriate ESP would be achieved through flow restriction in the outlet test duct while inlet psychrometric conditions would be maintained by controlling the test chamber. DOE assessed this option by comparing data for a representative 70 pints/day unit with both inlet and outlet ducts attached and with only the outlet duct in place. Table III.9 contains the results of these tests, along with a numerical extrapolation to approximate the capacity and EF impacts at the proposed ESP of 0.5 in. w.c.

TABLE III.9—IMPACT OF WHOLE-HOME DEHUMIDIFIER TESTING WITH ONLY AN OUTLET DUCT

ESP ** (in. w.c.)	Capacity (pints/day)			Energy Factor (L/kWh)		
	Inlet and outlet ducts	Outlet duct only	Percent impact (%)	Inlet and outlet ducts	Outlet duct only	Percent impact (%)
0.01	75	77	2.7	2.39	2.40	0.3
0.11	73	74	1.2	2.25	2.31	2.4
0.19	71	73	4.1	2.15	2.26	5.0
0.50 *	63	66	6.0	1.73	2.01	16.0

* Results at this ESP are a numerical extrapolation.
** These tests were conducted at ESPs of up to 0.19 in. w.c. at 80 °F and at 60-percent relative humidity.

While the data suggest that a performance improvement may be achieved by removing the inlet test duct at an ESP of 0.5 in. w.c. and an ambient temperature of 80 °F, DOE notes that these data are limited and that there is uncertainty associated with these extrapolated results. DOE also notes that requiring both inlet and outlet test ducts would represent a significant burden to manufacturers and test laboratories that may not have testing facilities large

enough to accommodate the total length of ducting. Therefore, DOE proposes in this document that whole-home dehumidifiers, other than refrigerant-desiccant dehumidifiers, would be tested under appendix X1 with only outlet ducting in place. Refrigerant-desiccant dehumidifiers would require an inlet and outlet duct for the process airstream, but may use only an inlet duct for the reactivation airstream. The inlet and outlet ducts attached to the process airstream would contain the instrumentation necessary for the proposed capacity calculation for refrigerant-desiccant dehumidifiers discussed previously. The inlet duct attached to the reactivation airstream would provide consistent means for measuring the inlet psychrometric conditions of both airstreams. DOE seeks comment and information on these proposed ducting requirements and may accordingly consider requiring both inlet and outlet ducts for all whole-home dehumidifiers.

3. Test Duct Specifications

ANSI/AMCA 210 includes various configurations of ducting that may be attached to equipment under test for measuring air flow characteristics. Upon review of these configurations, DOE determined that Figures 7A and 16 of ANSI/AMCA 210 would be the simplest and most relevant to whole-home dehumidifier testing. Other duct configurations specified in ANSI/AMCA 210 require chambers or nozzles to simulate the conditions a unit may experience during operation. However, DOE tentatively concluded that the equipment specified in Figures 7A and 16 of ANSI/AMCA 210 provide conditions representative of normal operation while requiring the fewest components. Therefore, DOE proposes to determine the lengths of the inlet and outlet ducts used for whole-house dehumidifier testing according to the dimensions provided in these figures, which specify duct lengths as a function of duct diameter. Because DOE's review of current products indicates that the majority of whole-home dehumidifiers connect to ducting via circular collars with a diameter of 10 inches, DOE proposes to require in appendix X1 that 10-inch diameter inlet and outlet ducts be used, with duct lengths and instrumentation spacing specified based on calculations using this diameter.

The material used for ducting can impact the transfer of heat and moisture through duct walls, and may include galvanized mild steel, polyurethane panels, fiberglass duct board, flexible plastics, and fabric ducting. Because galvanized mild steel ducts are commonly used in HVAC applications and are not affected by moisture, DOE proposes to require this material for the ducting specified in appendix X1. DOE further proposes to limit heat transfer by requiring that the ducts be insulated using insulation with a minimum R value of 6, with all seams and edges sealed with tape.

4. Transition Sections

DOE is aware of whole-home dehumidifiers equipped with circular collars with diameters other than 10 inches, such as 8 or 12 inches. DOE's research also determined that at least one refrigerant-desiccant dehumidifier has rectangular collars. To accommodate such designs, DOE proposes to require that transition pieces be used to connect these collars to the test ducts. To minimize turbulence caused by transition pieces, DOE proposes to require that the pieces have a maximum divergent angle of 3.5 degrees and a maximum convergent angle of 7.5 degrees, in accordance with the requirements in section 5.2.1.3, Transition Pieces, of ANSI/AMCA 210.

5. Flow Straighteners

To provide consistent and repeatable results, the air flow must be laminar upstream of sensors and inlets. DOE first examined the length of 10-inch diameter ducting that would be required to achieve laminar, fully-developed flow, based on the Reynolds number (Re) of the duct:

$$Re = \frac{Dv\rho}{\mu}$$

Where:

D is the diameter of the duct;
v is the mean velocity of the fluid;
ρ is the density of the fluid; and
μ is the dynamic viscosity of the fluid.

For the units within its test sample, DOE used the range of volumetric flow rates (approximately 200 to 400 cubic feet per minute) in the above equation to determine the range of Re. For Re greater than 4000, as calculated for units within the test sample, the calculation for the effective duct length required for fully developed flow is:

Effective Length = $4.4Re^{1/6}$

From this equation, DOE determined that a minimum duct length of 20 feet would be required to ensure fully developed laminar flow, a length that DOE concludes is burdensome based on associated test chamber size requirements. Instead, DOE proposes to require in appendix X1 the use of cell-type air flow straighteners in test ducts. The flow straightener dimensions would be specified according to section 5.2.1.6, Airflow Straightener, of ANSI/AMCA 210. DOE also proposes that flow straighteners be located as specified by Figures 7A and 16 of ANSI/AMCA 210. Specifically, the downstream face of an inlet duct flow straightener would be located a distance upstream of the test unit's inlet collar or any transition section equal to 6.5 times the diameter of the duct and the downstream face of an outlet duct flow straightener would be located a distance downstream of the unit's outlet collar or any transition section equal to 3.5 times the diameter of the duct.

Instrumentation

The following sections discuss the proposed instrumentation for the ducts that would be attached to whole-home dehumidifiers during testing.

1. Instrumentation for Measuring Dry-Bulb Temperature

Appendix X currently requires measurement of the dry-bulb and wet-bulb temperatures to ensure that the appropriate ambient relative humidity is maintained in the test chamber near the inlet of the dehumidifier under test. These provisions do not allow for measuring psychrometric conditions within the ducting attached to whole-home dehumidifiers. Therefore, DOE considered instrumentation specifications and installation requirements for whole-home dehumidifier testing.

For whole-home dehumidifiers other than refrigerant-desiccant units, no inlet duct would be attached according to this proposal, and therefore DOE proposes for these dehumidifiers to require the same instrumentation and equipment setup for measuring ambient conditions near the process air inlet as for portable dehumidifiers.

For dry-bulb temperature sensing within the process air inlet and outlet ducts and the reactivation air inlet duct for refrigerant-desiccant dehumidifiers, DOE proposes in appendix X1 to reference section 5.3.5, Centers of Segments—Grids, of ASHRAE Standard 41.1–2013, ''Standard Method for Temperature Measurement,'' which DOE considers to be an industry-accepted approach for temperature measurements in ducted air flow. These provisions would require that temperature measurements be made using an array of temperature sensors at different locations on the same cross-sectional plane. The locations of the individual sensors at that plane would be determined by dividing the plane into at least four segments of equal area.

A sensor would then be placed at the center of each of these segments.

ANSI/AMCA 210 specifies that temperature be measured at positions that are a distance upstream of the test unit's inlet collar and any transition section equal to half the diameter of the duct and a distance downstream of the unit's outlet collar and any transition section equal to 9.5 times the diameter of the duct. Temperature measurements at these locations within the ducting would provide accurate measurement of dry-bulb temperatures. Based on DOE's proposed specification of 10-inch diameter ducting, DOE proposes in this document to require temperature measuring instruments to be located 5 inches upstream of the inlet collar, where such ducting is used, and 95 inches downstream of the outlet collar.

2. Instrumentation for Measuring Relative Humidity

As noted previously, testing of whole-home dehumidifiers other than refrigerant-desiccant units would specify the same provisions for measuring ambient conditions near the process air inlet as for portable dehumidifiers. For refrigerant-desiccant dehumidifiers, however, the vapor calculation method for capacity measurement would require measurement of the relative humidity in the process air inlet and outlet ducts. In addition, relative humidity would be measured in the reactivation air inlet duct for these units.

For calculating relative humidity, DOE considered: (1) A cooled surface condensation hygrometer that measures dew-point temperature, which can be used in conjunction with dry-bulb temperature to determine relative humidity; and (2) an aspirating psychrometer that measures wet-bulb temperature. Chilled mirror hygrometers incorporate a cooled surface [17] that allows moisture to condense on the surface. The condensate surface is maintained electronically in vapor pressure equilibrium with the surrounding gas, while surface condensation is detected optoelectronically. The measured surface temperature is the dew-point temperature. Typical industrial versions of the instrument may be as accurate as ±0.2 °C (±0.36 °F), corresponding to ±2-percent relative humidity at 65 °F dry-bulb temperature and nominal 60-percent relative humidity. However, these instruments are costly and require a skilled operator, frequent cleaning, and regular calibration.

An aspirating psychrometer consists of two electrical or mechanical temperature sensors, one of which is dry to measure dry-bulb temperature and the other of which is wetted via a sock or wick to measure wet-bulb temperature. Evaporation of the water cools the wet-bulb sensor, with the evaporation rate dependent on the relative humidity of the air. A suction fan operating at a low flow rate provides ventilation of the sensors. An aspirating psychrometer is already required in the appendix X test procedure for unducted testing. Therefore, the dehumidifier industry is already familiar with this type of sensor. In addition, their simplicity and relatively low cost make aspirating psychrometers a favorable option for testing. Typical aspirating psychrometers have an accuracy of ±2 percent relative humidity, but higher accuracy versions are capable of achieving ±1 percent relative humidity. DOE concludes that this higher-accuracy aspirating psychrometer would provide a means for measuring relative humidity at a lower testing burden than a chilled mirror hygrometer, and therefore proposes to specify in appendix X1 that relative humidity be measured in the ducting used for whole-home dehumidifier testing using an aspirating psychrometer with an accuracy of at least ±1 percent relative humidity. Such psychrometers are likely being used already by testing laboratories for dehumidifier testing under appendix X, because the temperature accuracy requirements in ANSI/AHAM DH–1–2008 correspond to approximately ±1 percent relative humidity accuracy at the nominal ambient dry-bulb and wet-bulb temperatures. Therefore, DOE concludes that testing laboratories currently conducting dehumidifier testing already have the aspirating psychrometers proposed to be used for whole-home dehumidifier testing in a ducted configuration. DOE acknowledges that alternating this sensor between the test configuration of portable and whole-home dehumidifiers would require additional sensor calibration. Manufacturers and testing facilities may elect to purchase additional aspirating psychrometers to eliminate the need to recalibrate between switching test configurations. DOE proposes to require in appendix X1 that the relative humidity within test ducts be measured using an aspirating psychrometer with an accuracy within ±1 percent relative humidity. DOE also proposes that the aspirating psychrometer be placed at the duct's geometric centerline within 1 inch of the dry-bulb temperature measurement plane.

3. Instrumentation for Measuring External Static Pressure (ESP)

Frictional forces and head losses due to the air flowing in the ducting lead to an ESP that is imposed on the whole-home dehumidifier. As duct length and the number of elbows and other flow restrictions increases, the ESP increases as well. In a recent supplemental notice of proposed rulemaking for test procedures for residential furnace fans, DOE has proposed to define ESP as the difference in static pressure measured in the outlet and return air duct during testing. 78 FR 19606, 19618 (Apr. 2, 2013). For consistency with these testing procedures, DOE proposes to establish the following analogous definition for ESP for whole-home dehumidifier testing in appendix X1:

External static pressure (ESP): The process air outlet static pressure minus the process air inlet static pressure, measured in inches of water column (in. w.c.).

As discussed previously, ESP would be calculated by subtracting pressures losses between the dehumidifier and both static pressure tap locations from the measured static pressure differential. The blower within a whole-home dehumidifier must overcome this ESP to move air throughout a home's air delivery system. As ESP increases, the flow rate a blower can achieve at a particular rotational speed decreases, which also decreases moisture removal capacity. Therefore, DOE proposes that ducted dehumidifier testing in appendix X1 be conducted at an ESP representative of typical residential installations. DOE reviewed several sources of information to determine the appropriate ESP.

DOE's review of whole-home dehumidifier product literature revealed that rated volumetric air flow rate in cubic feet per minute (CFM) is typically provided at ESP values ranging from 0.4 to 0.8 in. w.c., as well as at zero ESP. Manufacturers likely provide the former range of values to characterize performance under conditions representative of actual installations. In addition, the Center for Energy and Environment (CEE) researched the feasibility of a residential furnace fan retrofit program, monitoring 81 Minnesota home air delivery systems during the heating season.[18] This study

[17] The cooled surface within chilled mirror hygrometers may be achieved thermoelectrically, mechanically, or chemically.

[18] Center for Energy and Environment Comment on Energy Conservation Standards for Residential Furnace Fans, July 27, 2010. Docket No. EERE–2010–BT–STD–0011, Comment Number 22.

found that the average ESP of these duct systems was 0.55 in. w.c. In addition, the median ESP fell between 0.45 and 0.55 in. w.c. For furnace fans designed to be installed in systems with an internal evaporator coil, DOE's analysis for the furnace fan test procedure indicated that a representative weighted-average ESP would be 0.50 in. w.c. 78 FR 19606, 19608 (Apr. 2, 2013).

Based on this information, DOE tentatively concluded that an ESP of 0.5 in. w.c. would, on average, represent the static pressure conditions found in a ducted whole-home dehumidifier installed in a typical home. DOE also notes that a test condition tolerance of 0.02 in. w.c. on ESP is established in appendix M to 10 CFR Part 430 subpart B for testing the energy consumption of central air conditioners and heat pumps. DOE proposes to adopt this same tolerance for average ESP throughout whole-home dehumidifier testing to maintain consistency with other covered products installed in similar ducting and with accepted industry requirements. Therefore, DOE proposes to require in appendix X1 that an ESP of 0.5 ± 0.02 in. w.c. be maintained during the dehumidification mode testing of whole-home dehumidifiers. To obtain the proposed nominal ESP of 0.5 in. w.c., DOE also proposes in this document to require that outlet test ducts contain mechanical throttling devices to adjust the ESP.

For nine whole-home units in its sample, DOE quantified the impacts of variations in ESP on capacity and EF at a process air inlet temperature of 65 °F, as shown in Table III.10.

TABLE III.10—IMPACT OF VARYING ESP ON WHOLE-HOME DEHUMIDIFIER PERFORMANCE AT 65 °F

Test unit	Capacity (pints/day)					Energy Factor (L/kWh)				
	0 in. w.c.	0.25 in. w.c.	0.5 in. w.c.	0.75 in. w.c.	1 in. w.c.	0 in. w.c.	0.25 in. w.c.	0.5 in. w.c.	0.75 in. w.c.	1 in. w.c.
W3	63	.....	53	.....	.....	1.91	.....	1.59	.....	.....
W4	56	54	53	49	23	1.5	1.48	1.43	1.31	0.43
W5	66	.....	49	.....	.....	2.31	.....	1.89	.....	.....
W8	82	73	58	0	0	2.42	2.02	1.44	.....	.....
W9	77	75	71	68	68	1.18	1.13	1.1	1.05	1
W7	107	98	84	.....	.....	2.76	2.55	2.18	.....	.....
W10	120	.....	109	.....	.....	3.16	.....	2.82	.....	.....
W12	112	105	99	.....	.....	1.28	1.18	1.11	.....	.....
W13	125	.....	108	.....	.....	1.94	.....	1.68	.....	.....

Compared to an ESP of 0 in. w.c., DOE's proposed test condition of 0.5 in. w.c. decreased the capacity of the models in DOE's sample by an average of 17 percent and decreased the EF by an average of 18 percent at 65 °F ambient temperature. Impacts for individual units ranged from 2 to 33 percent for capacity and 2 to 42 percent for EF.

DOE proposes to measure ESP as the difference between the inlet and outlet static pressures. If either inlet or outlet ducting is not required by the test procedure, the ambient static pressure of 0 in. w.c. shall be used to determine ESP. When ducting is required, the duct locations would be consistent with those specified in Figure 7A and Figure 15 of ANSI/AMCA 210, corrected to account for pressure losses between the measurement locations and the dehumidifier. Specifically, the static pressure differential would be measured between a location at a distance upstream of the test unit's process air inlet port or any transition section equal to 1.5 times the diameter of the duct and a location at a distance downstream of the unit's process air outlet port or any transition section equal to 8.5 times the diameter of the duct. DOE also proposes to reference in appendix X1 the provisions in section 7.5.2, Pressure Losses, of ANSI/AMCA 210 that specify how duct pressure losses between the unit under test and the plane of each static pressure measurement would be calculated. These duct pressure losses would be subtracted from the measured static pressure differential at the inlet and outlet measurement locations.

ANSI/AMCA 210 also provides an option for measuring static pressure in a duct using traverses of pitot-static tubes. Accordingly, DOE proposes to specify in appendix X1 the pitot-static tube construction in accordance with section 4.2.2, Pitot-Static Tube, of ANSI/AMCA 210, and the arrangement of pitot-static tubes in each traverse across the plane of the duct according to section 4.3.1, Pitot Traverse, of ANSI/AMCA 210. DOE further proposes that the static pressure at each point in a traverse would be measured at the static tap of the corresponding pitot-static tube, and these measurements would be averaged to calculate the static pressure at that location in the duct.

DOE considered the appropriate accuracy for the pressure sensing instruments used to measure ESP. Section 4.2.1, Manometers and Other Pressure Indicating Instruments, of ANSI/AMCA 210 specifies a pressure measurement instrument with a maximum allowable uncertainty of 1 percent of the maximum observed reading during the test or 0.005 in. w.c., whichever is larger. At the nominal test condition of 0.5 in. w.c. ESP, the maximum allowable uncertainty would be 0.005 in. w.c. DOE also observes that section 5.3.2 of the ANSI/ASHRAE Standard 37–2009, ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'' (ANSI/ASHRAE 37), specifies that duct static pressures be measured with instruments that have an accuracy of ±0.01 in. w.c. This accuracy is identical to the differential pressure instrument accuracy requirements for testing central air conditioners and heat pumps according to section 2.5.3, Indoor Coil Static Pressure Difference Measurement, of DOE's test procedure for these products (appendix M to subpart B). Section 2.5.3 of appendix M also specifies that the differential pressure instrument shall have a resolution of no more than 0.01 in. w.c. DOE tentatively concludes that, for the ESP proposed for whole-home dehumidifier testing in this document, the pressure measurement specifications from ANSI/AMCA 210 could present a burden for those manufacturers that currently test central air conditioners in their testing facilities, and that the accuracy and resolution specified in ANSI/ASHRAE Standard 37 would both be feasible for test facilities and produce repeatable and reproducible results. Therefore, DOE proposes in appendix X1 that the pressure instrument used to measure the ESP shall have an accuracy within ±0.01 in. w.c. and a resolution of no more than 0.01 in. w.c. DOE welcomes comment and information on

the appropriate pressure measuring instrument specifications.

4. Instrumentation for Measuring Volumetric Air Flow Rate

DOE proposes in appendix X1 that the volumetric air flow rate in ducts attached to the inlet and outlet of the process air of a refrigerant-desiccant dehumidifier would be calculated using duct diameter, dry-bulb temperature, and velocity pressure [19] measurements, using the methods for measuring air flow rates at test conditions specified in section 7.3.1, Velocity Traverse, of ANSI/AMCA 210. Average velocity pressures would be determined using the same traverses of pitot-static tubes in the process air inlet and outlet ducts as discussed above for measuring ESP. In addition, for refrigerant-desiccant dehumidifiers, average velocity pressure for the reactivation air stream would also be measured using a traverse in the reactivation air inlet duct. This traverse would be located at a distance upstream of the test unit's reactivation air inlet port or any transition section equal to 1.5 times the diameter of the duct. The velocity pressure at each point in a traverse would be calculated as the total pressure, measured at the impact tap of the pitot-static tube, minus the static pressure, measured at the static tap of the pitot-static tube. Section 7.3.1 of ANSI/AMCA 210 provides instructions for averaging these velocity pressures and calculating the air flow rate at the test conditions within the duct.

5. Measurement Frequency

The current test procedure in appendix X requires psychrometry measurements to be recorded at 10-minute intervals or less during dehumidification mode testing, which is adequate for monitoring ambient conditions in a test chamber. However, the conditions of air flowing through the ducts for whole-home dehumidifiers have the potential to vary on time scales that are shorter than 10 minutes. As a result, DOE proposes in appendix X1 that whole-home dehumidifiers be tested with measurement acquisition rates of dry-bulb temperature, velocity pressure, and relative humidity equal to or more frequently than once per minute. DOE's observation of current dehumidifier testing suggests that this sampling frequency likely can be met by existing data recording equipment in most test laboratories.

[19] ''Velocity pressure'' is defined in section 3.1.17 of ANSI/AMCA 210 as the ''portion of air pressure that exists by virtue of the rate of motion of the air.''

d. Psychrometer Requirements

The proposals discussed in this section are based on detailed analysis of industry test procedures, test laboratory observations, and comparison of different psychrometer setup configurations for portable dehumidifiers.

Appendix X requires that a psychrometer be used to measure dry-bulb and wet-bulb temperature conditions throughout dehumidification mode testing. Instructions for placement of the psychrometer are provided through reference to section 7.1.4, Psychrometer Placement, of ANSI/AHAM DH–1–2008, which specifies that the psychrometer shall be placed 1 foot in front of the intake grill of the test unit. In addition, section 5.3, Positioning of Test Unit, of ANSI/AHAM DH–1–2008 specifies that the sampling tree for use with the psychrometer shall be placed 1 foot from the air inlet side of the dehumidifier. However, through market research, DOE identified certain portable dehumidifiers with multiple air inlets on different surfaces of the unit. For these dehumidifiers, ANSI/AHAM DH–1–2008 does not provide specific instructions regarding where the sampling tree or psychrometer should be located.

DOE has identified two possible approaches for psychrometer setup for portable dehumidifiers with multiple air inlets. The first approach would be to place a single psychrometer or sampling tree at a location that is as close as possible to 1 foot in front of all intake grilles. This approach would minimize test burden by requiring only one psychrometer and possibly one sampling tree, but could lead to measurements that do not accurately reflect the conditions of the air entering each inlet and could potentially cause confusion regarding the proper sensor placement for units with unique air inlet locations. The second approach would be to place a separate sampling tree 1 foot in a perpendicular direction from the center of each air inlet grille, with the sampled air combined and connected to a single psychrometer using a minimal length of thermally insulated ducting. The thermally insulated ducting shall be installed along the shortest possible path connection between the psychrometer and sampling tree(s), minimizing excess duct length that may introduce variability between the conditions of the air when it enters the sampling tree and when it reaches the aspirating psychrometer. This approach would monitor the average conditions of the air entering the dehumidifier through each inlet, with the added testing burden of requiring one or more additional sampling trees. Because air sampling trees are commonly used for testing other products and are readily available, if the sampling tree approach is selected the additional testing burden is minimal and would result in improved reproducibility of the test procedure. Therefore, DOE proposes in this NOPR to clarify in appendix X and appendix X1 that for portable dehumidifiers with multiple intake grilles, a separate sampling tree shall be placed 1 foot away in a perpendicular direction from the center of each air inlet. DOE also proposes to clarify in both appendices that for portable dehumidifiers with only one intake grille, the psychrometer or sampling tree shall be placed 1 foot away in a perpendicular direction from the center of the air inlet. DOE requests comment on these proposed clarifications to the psychrometer setup and input on the associated test burden impacts.

In response to the October 2013 NOPR,[20] AHAM commented that some test facilities use a single psychrometer box to monitor inlet conditions for two or more test units, and that the DOE dehumidifier test procedure does not specify whether each test unit requires its own individual psychrometer box. AHAM proposed that DOE clarify that each dehumidifier under test requires its own individual psychrometer box because the test procedure's intent is that each dehumidifier in the test chamber is treated as an individual test and the temperatures should be measured as such. (AHAM, Docket No. EERE–2013–BT–TP–0044, No. 2 at p. 2) DOE notes that section 7.1.4 of ANSI/AHAM DH–1–2008, which is referenced for testing portable dehumidifiers, states to ''[p]lace the psychrometer (4.2) 1 ft. (0.30 m) in front of the intake grille.'' This instruction could be interpreted to mean that the temperature and relative humidity would be sampled specifically for that location, which in turn would require that these properties be measured individually for each of multiple portable dehumidifiers being tested concurrently. DOE also notes that using average inlet temperature and relative humidity conditions for multiple portable dehumidifiers could impact the measured capacity, EF, and IEF. Therefore, DOE proposes to add clarifying text to appendix X and appendix X1 that would allow no more

[20] The docket for the rulemaking for the October 2013 NOPR may be found online at: *www.regulations.gov/#!documentDetail;D=EERE-2013-BT-TP-0044.*

than one portable dehumidifier to be connected to a single psychrometer during testing. DOE believes this proposal would ensure consistency among test facilities and improve test result accuracy.

e. Condensate Collection

The proposals discussed in this section are based on detailed analysis of industry test procedures, test laboratory observations, and comparison of different condensate collection setup configurations.

The provisions in appendix X for measuring capacity and energy consumption in dehumidification mode require condensate to be collected for a period of 6 hours while the dehumidifier is operating under the specified ambient conditions. According to section 5.4, Condensate Collection, of ANSI/AHAM DH–1–2008, if means for collecting the condensate are provided as part of the dehumidifier, they are to be installed as provided for in normal service. In addition, the dehumidifier may be placed on the weight-measuring instrument for direct reading of condensate during the test. If the only provision is for draining the condensate away from the unit, the condensate must be collected in a substantially closed vessel to prevent re-evaporation.

These instructions do not address the use of an internal pump, which may be provided as a means to drain the condensate from the dehumidifier. In addition, DOE recognizes that a condensate collection bucket may not be sufficiently large to hold the entire amount of condensate produced during the 6-hour dehumidification mode test, and that when the bucket is full, the unit may turn off the compressor or activate a pump to empty the bucket to an external drain.

To ensure that the amount of condensate measured during the dehumidification mode test is representative of the total amount of condensate that would be produced during the 6-hour test, DOE proposes in this document to specify in appendix X and appendix X1 that if means are provided on the dehumidifier for draining condensate away from the cabinet, the condensate would be collected in a substantially closed vessel which would be placed on the weight-measuring instrument. Such an approach would minimize re-evaporation of the condensate and would isolate the condensate weight measurement from the vibration of the dehumidifier during operation. DOE further proposes that if no means for draining condensate away from the cabinet are provided, any automatic shutoff of dehumidification mode operation that would be activated when the collection container is full shall be disabled and any overflow shall be collected in a pan, completely covered to prevent re-evaporation except where allowing for collection of overflow water, that is placed beneath the dehumidifier, both of which shall be placed on the weight-measuring instrument for direct reading of the condensate weight during the test. The proposal would also clarify in appendix X and appendix X1 that any internal pump shall not be used to drain the condensate into a substantially closed vessel unless such pump is provided for use by default in dehumidification mode.

f. Control Settings

The proposal discussed in this section is based on an analysis of dehumidifier features and implications of varying control settings with respect to the representativeness of the test procedure, as well as test repeatability and reproducibility.

Certain dehumidifiers have controls that allow selection of the fan speed during dehumidification mode. The highest fan speed will produce the most rapid rate of moisture removal, while the lower fan speeds may be provided to reduce noise. Appendix X, however, does not specify a particular fan speed setting during testing.

Also, certain dehumidifiers have controls that allow consumers to select a target relative humidity level, for example by setting the desired relative humidity percentage or by adjusting a dial to a more or less dry setting. Appendix X requires test facilities to maintain a 60-percent relative humidity level during active mode testing, in which the unit must operate continuously in dehumidification mode. While appendix X does not specify a particular relative humidity setpoint, the test operator must select a control setting that corresponds to a relative humidity level lower than 60 percent to ensure that the test unit does not enter off-cycle or fan-only mode.

In comments submitted in response to the October 2013 NOPR, AHAM addressed the topic of control settings for testing in dehumidification mode by proposing that if the unit under test has a ''continuous on'' function, a setting that maintains constant dehumidification mode operation regardless of the ambient relative humidity, that such a setting should be selected. In the absence of a continuous on function, AHAM proposed that the unit be tested at the highest fan speed and lowest humidity setting. According to AHAM, these settings would correspond to the highest energy use and would be consistent with current industry practice. (AHAM, Docket No. EERE–2013–BT–TP–0044, No. 2 at p. 2)

The control settings suggested by AHAM would correspond to the highest energy use in dehumidification mode. In addition, although DOE is not aware of any dehumidifiers that operate differently at humidity setpoints below 60 percent, it is possible that certain dehumidifier controls may be programmed to do so, thereby no longer operating at the highest energy use. For this reason, DOE proposes to require in appendix X and appendix X1 that, for units with a continuous on feature, that control setting shall be selected for dehumidification mode testing. For units without a feature for continuous operation, the fan would be set at the maximum speed if the fan speed is user adjustable, and the relative humidity controls would be set to the lowest available value during dehumidification mode testing. Further, DOE's observations at third-party test facilities corroborate AHAM's comment that these fan speed requirements would be consistent with industry practice. Therefore, DOE concludes that this proposal would not impact energy consumption or capacity currently determined using appendix X.

2. Fan-Only Mode

The proposals discussed in this section are based on observations of units acquired for investigative testing and detailed analysis of industry test procedures used to determine cyclical or continuous power consumption.

Certain dehumidifier models maintain blower operation without activation of the compressor after the humidity setpoint has been reached, rather than entering off-cycle mode. Such fan-only mode operation may be intended to draw air over the humidistat to monitor ambient conditions, or may occur immediately following a period of dehumidification mode to defrost and dry the evaporator coil, which will prevent the humidistat from prematurely sensing a humidity level high enough to reactivate the compressor. The blower may operate continuously in fan-only mode, or may cycle on and off intermittently. In addition, some units allow the consumer to select operation of the blower continuously for air circulation purposes.

In their submission to DOE in response to the August 2012 Framework Document, the Joint Commenters stated that, as of October 17, 2012, there were 12 models on the ENERGY STAR

Dehumidifiers Product List, six of which had fans that could operate continuously without activation of the compressor. The Joint Commenters referenced the Wisconsin Study, which found that fan-only mode power consumption ranged from under 40 watts (W) to 120 W, suggesting that continuous fan operation could contribute significantly to dehumidifier annual energy consumption. For example, the Joint Commenters noted that an 80 W fan running in continuous fan-only mode for 1,000 hours annually would consume 80 kWh. Although the Joint Commenters asserted that continuous fan operation would circulate the air in the space being dehumidified, reducing gradients and perhaps affecting colder and more humid areas (such as adjacent to walls) such that dehumidification mode could be activated only when necessary, they believe that the same actions could be accomplished with intermittent fan operation controlled by a fixed timer initiated after each period of compressor operation or a variable timer based on past operating patterns. The Joint Commenters stated that if the annual energy consumption of continuous fan operation is not adequately captured already in the test procedure, DOE should amend it to measure the annual energy consumption of fan-only mode. (Joint Commenters, No. 9 at pp. 5–6)

As discussed in section III.B.2 of this document, appendix X does not contain provisions to measure dehumidifier energy use during fan-only mode. The existing methodology requires measurement of the power consumption in off-cycle mode and either inactive mode or off mode, depending on which mode is available on the unit under test. The test procedure then assigns the annual operating hours outside of dehumidification mode to off-cycle mode, inactive mode, or off mode according to the following: 1,840.5 hours to off-cycle mode and 1,840.5 hours to either inactive mode or off mode. These hours are multiplied by the corresponding power consumption measurements and summed to obtain the annual combined low-power mode energy consumption. Recognizing that some dehumidifiers operate in fan-only mode in place of off-cycle mode, however, DOE is proposing in this document that the 1,840.5 annual hours currently attributed to off-cycle mode in appendix X be assigned in appendix X1 to fan-only mode for those dehumidifiers. Based on investigative testing, and using this proposed calculation, DOE determined that fan-only mode may consume more than 300 times more energy than off-cycle or inactive mode. For this reason, this proposed provision in appendix X1 would more accurately reflect the typical energy consumption of dehumidifiers that operate in fan-only mode rather than off-cycle mode.

The proposed fan-only mode average power measurement would require adjusting the relative humidity setpoint during this testing to a level higher than the ambient relative humidity to ensure that the refrigeration system does not cycle on. To minimize testing burden, DOE proposes in appendix X1 that the testing may be conducted either under the same ambient conditions as for dehumidification mode, or under the test conditions specified for standby mode and off mode testing. DOE tentatively concludes that the power consumption in fan-only mode does not depend on the ambient conditions (*i.e.,* fan speed and power consumption do not change with ambient conditions) and seeks comment on whether the results from the two testing options would be comparable. To further minimize test burden, DOE also proposes that the laboratory should not perform more than one run-in period for all active mode testing. Because the term ''run-in'' is not defined in ANSI/AHAM DH–1–2008, DOE further proposes to clarify in appendix X1 that the compressor shall operate during the run-in period.

DOE has observed that the fan may operate continuously during fan-only mode or may cycle on and off periodically. In DOE's testing, the period of such cyclic operation was observed to be approximately 10 minutes, and DOE's research indicates that some units may cycle on for a period of a few minutes per hour. To obtain a representative average measure of fan-only mode power consumption in appendix X1, DOE proposes that the power be measured and averaged over a period of 1 hour for fan-only mode in which the fan operates continuously. For fan-only mode in which the fan operates cyclically, the average fan-only mode power would be measured over a period of 3 or more full cycles for no less than 1 hour. DOE also proposes to include in the IEF calculation in appendix X1 the fan-only mode energy use for those dehumidifiers that operate in fan-only mode rather than off-cycle mode. DOE further proposes to require that, for units with adjustable fan speed settings, the fan be set at the maximum speed during fan-only mode testing because the maximum speed is typically recommended to consumers as the setting that produces the maximum moisture removal rate.

DOE does not have information regarding the number of annual hours in which the consumer selects fan-only mode to circulate air, rather than operating the dehumidifier for the general purpose of moisture removal. For this reason, DOE is not proposing at this time to include an additional energy use component associated with air circulation in the IEF calculation in appendix X1. DOE welcomes data and input on consumer usage patterns related to fan-only mode for air circulation.

C. Additional Technical and Editorial Corrections

1. Definition of ''Dehumidifier''

As discussed in section III.A of this document, EPCA defines a dehumidifier in relevant part, as a ''mechanically encased assembly.'' (42 U.S.C. 6291(34)) The definition of ''dehumidifier'' codified at 10 CFR 430.2, however, incorrectly states that the product be a ''mechanically refrigerated encased assembly.'' In this document, DOE proposes to correct the definition in 10 CFR 430.2. DOE also proposes to add clarification that the definition of ''dehumidifier'' does not apply to portable air conditioners and room air conditioners. The primary function of an air conditioner is to provide cooling by removing both sensible and latent heat, while a dehumidifier removes moisture (*i.e.,* only latent heat). Therefore, DOE proposes to clarify these exclusions in the amendments to 10 CFR 430.2.

2. Referenced Section in Test Procedures at 10 CFR 430.23

DOE proposes to amend the test procedures codified at 10 CFR 430.23(z) to reference the correct sections of amended appendix X and new appendix X1 for measuring capacity, energy factor (EF), and IEF.

3. Integrated Energy Factor Calculation

The existing IEF equation in section 5.2 of appendix X incorporates the annual combined low-power mode energy consumption, E_{TLP}, in kWh per year, and the active mode energy consumption, E_{active}, in kWh as measured during the active mode test. To sum these components, the equation converts E_{TLP} into kWh/day by dividing by the number of active mode hours per year and multiplying by 24 hours per day. However, E_{active} represents the energy use measured during the course of the 6-hour dehumidification mode test. To correctly sum the combined low-power mode energy consumption and dehumidification mode energy

consumption on an equivalent basis, the equation for IEF should convert E_{TLP} to kWh consumed during 6 hours. Therefore, DOE proposes in section 5.2 of appendix X to amend the IEF equation to correctly divide E_{TLP} by the number of dehumidification mode hours per year and multiply by 6 hours in accordance with the duration of the dehumidification mode test. DOE also proposes to: (1) Clarify in section 4.1 of appendix X that energy consumption as well as EF shall be measured during dehumidification mode testing; (2) redesignate E_{active} as E_{DM} to clarify that it is the energy consumption measured in dehumidification mode; and (3) redesignate S_{active} as S_{DM} to clarify that it is the annual hours spent in dehumidification mode. DOE proposes to incorporate these same clarifications and corrections in appendix X1, as well as sum the annual fan-only mode energy consumption, E_{FM}, with E_{TLP} to include the measure of fan-only mode energy consumption in the calculation of IEF.

4. Number of Annual Inactive Mode and Off Mode Hours

In section 5.1 of appendix X, the number of annual hours for inactive mode and off mode each contains a typographical error, wherein a comma is used in place of a decimal point. DOE proposes in this document to correct these typographical errors.

D. Materials Incorporated by Reference

As discussed in section III.B.1.c of this document, DOE is proposing in appendix X1 to reference certain sections of the following industry test methods to determine the product capacity and IEF of whole-home dehumidifiers in a ducted installation:

(1) ANSI/ASHRAE Standard 41.1–2013, ''Standard Method for Temperature Measurement''; and

(2) ANSI/ASHRAE 51–2007/ANSI/AMCA 210–07, ''Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating''.

DOE proposes to amend 10 CFR 430.3 to include these industry test methods.

E. Certification and Verification

In 10 CFR 429.36, DOE requires that manufacturers include dehumidifier capacity, in pints/day, in their certification reports; however, 10 CFR 429.36 does not specify how to determine the rated capacity for a basic model. The consequence of an incorrectly reported capacity may be the application of an incorrect standard for minimum required EF or, in the future, a minimum required IEF. Therefore, DOE proposes in this document to require that the average of the capacities measured for a given sample be used for certification puposes.

For verification purposes, DOE proposes to require that the test facility measurement of capacity must be within 5 percent of the rated capacity, or 1.00 pints/day, whichever is greater. DOE notes that this tolerance is the same as the tolerance allowed within AHAM's dehumidifier verification program, which suggests that manufacturers are able to comply with this requirement without undue testing burden. If DOE determines that a rated capacity is not within 5 percent of the measured capacity, or 1.00 pints/day, whichever is greater, the capacity measured by the test facility shall be used to determine the energy conservation standard applicable to the tested basic model. DOE proposes to add a new section 429.134 of 10 CFR part 429 to address this capacity verification protocol.

To ensure that the minimum EF or IEF requirements are accurately applied to each dehumidifier model, DOE proposes to clarify in the dehumidifier test procedures at 10 CFR 430.23(z) that, when using appendix X, capacity would be measured in accordance with paragraph 4.1 of that appendix, and when using appendix X1, capacity would be measured in accordance with paragraph 5.4 of that appendix for refrigerant-desiccant dehumidifiers and in accordance with paragraph 4.1.1.1 for all other dehumidifiers. DOE also proposes in this document to include rounding instructions in appendix X and appendix X1 that would clarify that the measurement of capacity is to be rounded to two decimal points, consistent with the number of significant digits in the product class definitions, and that IEF is to be rounded to two decimal places in accordance with the existing instructions in appendix X for rounding EF and IEF.

F. Compliance Dates of Amended Test Procedures

DOE is proposing amendments to its dehumidifier test procedure in appendix X that would clarify the psychrometer setup for portable dehumidifiers, the control settings for dehumidification mode testing, the provisions for collecting water for the capacity measurement, and the dates for use of the test procedures. The proposed amendments to appendix X would also include certain editorial and technical corrections. As discussed previously, DOE does not expect that these clarifications and corrections would alter the measured EF, but rather would improve the interpretation and use of the test procedure. Therefore, the proposals for appendix X would not affect a manufacturer's ability to comply with current energy conservation standards using appendix X. Manufacturers would be required to use the revised appendix X for representations 180 days after the publication of any final amended test procedures in the **Federal Register**. (Alternatively, manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with appendix X1.)

DOE is also proposing to amend the dehumidifier test procedure in 10 CFR part 430, subpart B to create a new appendix X1 that would include a lower ambient temperature for certain active mode testing, a new measure of fan-only mode energy consumption, and provisions for testing whole-home dehumidifiers, including ''refrigerant-desiccant'' dehumidifiers. Appendix X1 would also incorporate the same clarifications and technical corrections as proposed for appendix X. Manufacturers would be required to use the new appendix X1 for determining compliance with any amended standards adopted in the ongoing energy conservation standards rulemaking.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are

properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE's initial regulatory flexibility analysis is set forth below. DOE seeks comment on its analysis and the economic impacts of the rule on small manufacturers.

A description of the reasons why the proposed test procedures are being considered, as well as a succinct statement of the objectives of, and legal basis for, the proposed rule is set forth elsewhere in the preamble and not repeated here. DOE is also not aware of any Federal rules that would duplicate, overlap or conflict with the proposed rule.

Description and Estimate of the Number of Small Entities to Which the Proposed Rule Would Apply

The Small Business Administration (SBA) considers a business entity to be small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. These size standards and codes are established by the North American Industry Classification System (NAICS). The threshold number for NAICS classification code 335211, ''Electric Housewares and Household Fan Manufacturing,'' is 750 employees; this classification specifically includes manufacturers of dehumidifiers.

DOE surveyed the AHAM member directory to identify manufacturers of residential dehumidifiers. DOE then consulted publicly available data, purchased company reports from vendors such as Dun and Bradstreet, and contacted manufacturers, where needed, to determine if they meet the SBA's definition of a ''small business manufacturing facility'' and have their manufacturing facilities located within the United States. Based on this analysis, DOE estimates that there are five small businesses that manufacture dehumidifiers.

Description of the Projected Reporting, Recordkeeping and Other Compliance Requirements

The proposed rule would establish a new test procedure for dehumidifiers with a revised testing temperature for certain active mode testing and the requirement that whole-home dehumidifiers be tested in active mode with ducting in place. The lower temperature test that DOE is proposing for dehumidification mode in new appendix X1 requires ambient temperature and humidity levels identical to those contained in section 8.2, Low Temperature Test, of ANSI/AHAM DH–1–2008, which some manufacturers already may be using. In addition, product specifications for dehumidifiers from each of the small businesses indicate that they produce dehumidifiers rated for operation at ambient temperatures of 65 °F or below, suggesting that these manufacturers have conducted lower temperature testing already.

DOE also considered the cost of additional ducting and associated components and instrumentation that would be required for whole-home dehumidifier active mode testing. Based on its research of retail prices for components required to construct the instrumented inlet and outlet ducts, as well as estimate for the purchase of a complete assembly from a third-party laboratory, DOE determined that the cost of each non-instrumented duct would be approximately $1,500, and that the cost of an instrumented, calibrated duct would not exceed $2,700. Therefore, the equipment cost for testing a refrigeration-only whole-home dehumidifier with no inlet duct and a non-instrumented outlet duct would be approximately $1,500, or $3,000 for whole-home dehumidifiers with two outlets. For refrigerant-desiccant dehumidifiers, which would require instrumented ducts at the inlet and outlet of the process airstream and the inlet of the reactivation air stream, the total equipment cost would be approximately $8,100. Costs of test ducts could be reduced if existing aspirating psychrometers used for portable dehumidifiers testing are used within test ducts. However, alternating aspirating psychrometers between portable and whole-home test configurations would require additional calibration and labor that DOE estimates to cost approximately $300 per calibration. DOE also tentatively concludes that whole-home dehumidifier manufacturers already test their products in chambers that can accommodate comparably-sized ducting, since product literature indicates that performance has been measured at non-zero ESP.

For dehumidifiers capable of operating in fan-only mode, the proposed rule would also require in appendix X1 measuring power input when the product is in fan-only mode. These tests could be conducted either in the same facilities used for the dehumidification mode testing of these products, or in facilities in which standby mode and off mode testing is conducted, so there would be no additional facilities costs required by the proposed rule. In addition, the requirements for the wattmeter specified for these tests would be the same as used for standby mode and off mode testing, so manufacturers would likely be able to use the same equipment for fan-only mode testing as they would already use for standby mode and off mode testing. In the event that an additional wattmeter would be required for testing in the facilities used for the current dehumidifier active mode testing, the investment required for a possible instrumentation upgrade would likely be relatively modest. An Internet search of equipment that specifically meets the proposed requirements reveals a cost of approximately $2,000.

Test facilities that use a single psychrometer box to test multiple units simultaneously that do not already own additional psychrometer boxes would need to purchase an additional psychrometer box for each additional unit that would be tested concurrently. Based on DOE research and input from test laboratories, DOE estimates that test facilities may purchase and calibrate the required equipment for approximately $1,000 each.

Additionally, test laboratories with only one sampling tree for each psychrometer box may be required to purchase additional sampling trees to account for units with multiple air inlets. In this document, DOE proposes that a sampling tree be placed in front of each air inlet on a test unit. DOE expects laboratories may purchase additional sampling trees at an estimated cost of $300 each to comply with the proposed test requirements.

Alternatives to the Proposed Rule

As discussed above, DOE considered alternate test approaches for both portable and whole-home dehumidifiers.

Although DOE proposed modifying the dehumidification mode ambient temperature conditions from 80 °F dry-bulb temperature and 69.6 °F wet-bulb temperature to 65 °F dry-bulb temperature and 55 °F wet-bulb temperature, DOE's alternate proposal for dehumidification mode would require combining results from testing at both of these conditions. This alternate proposed approach would increase test burden by requiring testing each unit in dehumidification mode at two test conditions, although only a single run-in period, fan-only mode test, and combined low-power mode test would be required.

DOE considered testing at an alternate ambient relative humidity if a more representative condition was determined. However, for the reasons discussed in section III.1.b of this document, DOE proposes to maintain the current ambient relative humidity of 60 percent. DOE tentatively concludes that test laboratories are familiar with the overall condition requirements and additional humidifying equipment would not be required to increase test chamber capabilities.

For the proposed testing methodology for whole-home dehumidifiers, DOE examined the accuracy and repeatability of available relative humidity sensors. Although DOE is proposing the use of psychrometers to measure dry-bulb and wet-bulb temperature conditions, DOE also considered chilled mirror hygrometers as an alternate instrument for measuring relative humidity. For the reasons discussed in section III.1.dIII.B.1.d of this document, DOE decided to propose the use of psychrometers to avoid the burden associated with chilled mirror hygrometers (*i.e.,* the requirements for a skilled operator, frequent cleaning, and regular calibration).

In addition, for whole-home dehumidifiers, DOE's proposals specify the minimum number of test ducts that, according to its investigative testing, would produce representative results for capacity and integrated energy factor. If instrumented test ducts were required on all inlet and outlet ports, testing facilities could incur an additional $3000 cost for the equipment.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of residential dehumidifiers must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for dehumidifiers, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including residential dehumidifiers. (76 FR 12422 (March 7, 2011)). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes test procedure amendments that it expects will be used to develop and implement future energy conservation standards for residential dehumidifiers. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this proposed rule would amend the existing test procedures without affecting the amount, quality or distribution of energy usage, and, therefore, would not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Pub. L. 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to

result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action to amend the test procedure for measuring the energy efficiency of residential dehumidifiers is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

As discussed in section III.1.c of this document, the proposed rule incorporates testing methods contained in the following commercial standards: ANSI/ASHRAE Standard 41.1–2013, Standard Method for Temperature Measurement; and ANSI/ASHRAE 51–2007/ANSI/AMCA 210–07, Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating. While this proposed test procedure is not exclusively based on these standards, one component of the test procedure, namely ducted installation requirements for testing whole-home dehumidifiers, adopts provisions from these standards without amendment. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 32(b) of the FEAA, (*i.e.,* that they were developed in a manner that fully provides for public participation, comment, and review). DOE will consult with the Attorney General and the Chairwoman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

V. Public Participation

A. Attendance at Public Meeting

The time, date and location of the public meeting are listed in the **DATES** and **ADDRESSES** sections at the beginning of this document. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.* As explained in the **ADDRESSES** section, foreign nationals visiting DOE Headquarters are subject to advance security screening procedures.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/55* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **ADDRESSES** section at the beginning of this document. The request and advance copy of statements must be received at least one week before the public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

C. Conduct of Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will permit, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this document. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via regulations.gov. The regulations.gov Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to regulations.gov information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through regulations.gov cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through regulations.gov before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to regulations.gov. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked

non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. The clarification of whole-home dehumidifiers, including refrigerant-desiccant dehumidifiers, as covered products, and the new definitions for portable dehumidifiers, whole-home dehumidifiers, refrigerant-desiccant dehumidifiers. (See section III.A.)

2. The new definitions for dehumidification mode and fan-only mode. (See section III.B.)

3. The revision of the ambient dry-bulb temperature for testing conditions from 80 °F to 65 °F in new appendix X1, along with the associated impacts to IEF and capacity. In addition, DOE welcomes input on the alternative approach in which dehumidifiers would be tested under both the 80 °F and 65 °F ambient temperature conditions, with the IEF and capacity calculated as weighted averages of these metrics measured at each of the two temperatures. For this alternative approach, DOE seeks input on appropriate weighting factors. DOE also seeks further comment on alternatively testing whole-home dehumidifiers at 73 °F ambient dry-bulb temperature to represent the average residential thermostat setting during dehumidifier usage. (See section III.B.1.a.)

4. The continued specification of 60-percent relative humidity for the ambient testing conditions for dehumidification mode, even at a reduced ambient temperature. (See section III.B.1.b.)

5. The test setup and testing methodology for whole-home dehumidifiers in appendix X1, including refrigerant-desiccant dehumidifiers. In particular, DOE welcomes comment on the proposed ducting configurations, alternative ambient temperature, and ESP, including equipment costs and testing burden. (See section III.B.1.c.)

6. The testing burden associated with the requirement for multiple psychrometer sampling trees for portable dehumidifiers with multiple air inlets, and for connecting no more than one test unit per psychrometer. (See section III.B.1.d.)

7. The condensation collection requirements for dehumidifiers with and without means for draining the condensate, including the use of any internal pump only if it is activated by default in dehumidification mode. (See section III.B.1.e.)

8. The proposed control settings for dehumidification mode testing, which would require selecting continuous operation for those units with such a function. Otherwise the lowest relative humidity setting and, for units with user-adjustable fan speed, the highest fan speed would be selected. (See section III.B.1.f.)

9. The provisions for measuring energy consumption in fan-only mode in appendix X1, including the use of the maximum speed setting for those units with adjustable fan speed settings, the measurement period specifications, and the inclusion of fan-only mode energy consumption in the calculation of IEF. DOE also seeks comment on whether fan-only mode energy consumption is independent of ambient conditions. (See section III.B.2.)

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects

10 CFR Part 429

Confidential business information, Energy conservation, Household appliances, Imports, Reporting and recordkeeping requirements.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on May 2, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend parts 429 and 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.36 is amended by adding paragraph (a)(3) to read as follows:

§ 429.36 Dehumidifiers.

(a) * * *

(3) The value of capacity of a basic model reported in accordance with paragraph (b)(2) of this section shall be the mean of the measured capacity for each tested unit of the basic model. Round the mean capacity value to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; or

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

* * * * *

■ 3. Add § 429.134 to read as follows:

§ 429.134 Product-specific enforcement provisions.

(a) *General.* The following provisions apply to assessment and enforcement testing of the relevant products.

(b)–(e) [Reserved]

(f) *Dehumidifiers.* (1) *Verification of capacity.* The capacity of the basic model will be measured pursuant to the test requirements of 10 CFR part 430 for each unit tested. The results of the measurement(s) will be averaged and compared to the value of capacity certified by the manufacturer. The certified capacity will be considered valid only if the measurement is within

five percent, or 1.00 pint per day, whichever is greater, of the certified capacity.

(i) If the certified capacity is found to be valid, the certified capacity will be used as the basis for determining the minimum energy factor allowed for the basic model.

(ii) If the certified capacity is found to be invalid, the mean of the measured capacity of each unit in the sample will be used as the basis for determining the minimum energy factor allowed for the basic model.

(2) [Reserved]

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. Section 430.2 is amended by

■ a. Revising the definition of ''Dehumidifier''; and

■ b. Adding the definitions for ''Portable dehumidifier'', ''Refrigerant-desiccant dehumidifier'', and ''Whole-home dehumidifier'' in alphabetical order;

The revisions and additions read as follows:

§ 430.2 Definitions.

* * * * *

Dehumidifier means a product, other than a portable air conditioner or room air conditioner, which is a self-contained, electrically operated, and mechanically encased assembly consisting of:

(1) A refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(2) A refrigerating system, including an electric motor;

(3) An air-circulating fan; and

(4) Means for collecting or disposing of the condensate.

* * * * *

Portable dehumidifier means a dehumidifier designed to operate within the dehumidified space without the attachment of additional ducting, although means may be provided for optional duct attachment.

* * * * *

Refrigerant-desiccant dehumidifier means a whole-home dehumidifier that removes moisture from the process air by means of a desiccant material in addition to a refrigeration system.

* * * * *

Whole-home dehumidifier means a dehumidifier designed to be installed with ducting to deliver return process air to its inlet and to supply dehumidified process air from its outlet to one or more locations in the dehumidified space.

■ 6. Section 430.3 is amended by:

■ a. Redesignating paragraphs (f)(10) and (f)(11) as paragraphs (f)(12) and (f)(13);

■ b. Redesignating paragraphs (f)(6) through (f)(9) as paragraphs (f)(7) through (f)(10); and

■ c. Adding new paragraphs (f)(6) and (f)(11) to read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(f) * * *

(6) ANSI/ASHRAE Standard 41.1–2013, *Standard Method for Temperature Measurement,* ASHRAE approved January 29, 2013, ANSI approved January 30, 2013, IBR approved for appendix X1 to subpart B.

* * * * *

(11) ANSI/ASHRAE 51–07/ANSI/AMCA 210–07, (''ANSI/AMCA 210'') *Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating,* AMCA approved July 28, 2006, ASHRAE approved March 17, 2008, IBR approved for appendix X1 to subpart B.

* * * * *

■ 7. Section 430.23 is amended by revising paragraph (z) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(z) *Dehumidifiers.* When using appendix X, the capacity, expressed in pints per day (pints/day), and the energy factor for dehumidifiers, expressed in liters per kilowatt hour (L/kWh), shall be measured in accordance with section 4.1 of appendix X of this subpart. When using appendix X1, the capacity, expressed in pints/day for dehumidifiers other than refrigerant-desiccant dehumidifiers and the energy factor for dehumidifiers, expressed in L/kWh, shall be measured in accordance with section 4.1.1.1 of appendix X1 of this subpart, and the integrated energy factor, expressed in L/kWh, shall be determined according to section 5.3 of appendix X1 to this subpart. When using appendix X1, the capacity, expressed in pints/day, for refrigerant-desiccant dehumidifiers shall be measured in accordance with section 5.4 of appendix X1 of this subpart.

* * * * *

■ 8. Appendix X to subpart B of part 430 is amended:

■ a. By revising the note after the heading;

■ b. In section 2, Definitions, by redesignating sections 2.4 through 2.10 as sections 2.5 through 2.11, adding new section 2.4, and revising newly redesignated section 2.10;

■ c. In section 3, Test Apparatus and General Instructions, by revising section 3.1 and adding new sections 3.1.1, 3.1.2, 3.1.3, and 3.1.4;

■ d. In section 4, Test Measurement, by revising sections 4.1, 4.2.1, and 4.2.2; and

■ e. In section 5, Calculation of Derived Results From Test Measurements, by revising sections 5.1 and 5.2;

The additions and revisions read as follows:

Appendix X to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: After November 17, 2014, any representations made with respect to the energy use or efficiency of portable dehumidifiers must be made in accordance with the results of testing pursuant to this appendix. Alternatively, manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with appendix X1. Any representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with whichever version is selected.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole home dehumidifiers, must be made in accordance with the results of testing pursuant to appendix X1.

* * * * *

2. Definitions

* * * * *

2.4 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat or humidity sensor signal; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

* * * * *

2.10 *Product capacity for dehumidifiers* means a measure of the ability of the dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

* * * * *

3. Test Apparatus and General Instructions

3.1 *Active mode.* The test apparatus and instructions for testing

dehumidifiers in dehumidification mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions.

3.1.1 *Psychrometer placement.* The psychrometer shall be placed perpendicular to, and 1 ft. in front of, the center of the intake grille. For dehumidifiers with multiple intake grilles, a separate sampling tree shall be placed perpendicular to, and 1 ft. in front of, the center of each intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only.

3.1.2 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, the condensate shall be collected in a substantially closed vessel to prevent re-evaporation and shall be placed on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, any automatic shutoff of dehumidification mode operation that is activated when the collection container is full shall be disabled and any overflow shall be collected in a pan, covered as much as possible to prevent re-evaporation and not impede collection of overflow water, that is placed beneath the dehumidifier, all of the condensate (i.e., the condensate collected in the vessel/collection container and the overflow pan) shall be placed on the weight-measuring instrument for direct reading of the condensate weight during the test. Any internal pump shall not be used to drain the condensate into a substantially closed vessel unless such pump is activated by default in dehumidification mode.

3.1.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, that setting shall be selected. Otherwise, the controls shall be set to the lowest available relative humidity level, and, if the dehumidifier has a user-adjustable fan speed, the maximum fan speed setting shall be selected.

3.1.4 *Recording and rounding.* Record measurements at the resolution of the test instrumentation. Round off calculations to the same number of significant digits as the previous step. Round the final energy factor and integrated energy factor values to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; or

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

Round the final capacity value to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; or

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

* * * * *

4. Test Measurement

4.1 *Active mode.* Measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the energy factor, expressed in liters per kilowatt-hour (L/kWh), and product capacity, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3).

* * * * *

4.2.1 If the dehumidifier has an inactive mode, as defined in section 2.7 of this appendix, but not an off mode, as defined in section 2.8 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts. Otherwise, if the dehumidifier has an off mode, as defined in section 2.8 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.2.2 If the dehumidifier has an off-cycle mode, as defined in section 2.9 of this appendix, measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

5. Calculation of Derived Results From Test Measurements

5.1 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kilowatt-hours per year, according to the following:

$$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power, in watts, as measured in section 4.2.1 of this appendix.

P_{OC} = dehumidifier off-cycle mode power, in watts, as measured in section 4.2.2 of this appendix.

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours.

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

5.2 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in liters per kilowatt-hour, rounded to two decimal places, according to the following:

$$IEF = L_W/[E_{DM} + ((E_{TLP} \times 6)/S_{DM})]$$

Where:

L_W = water removed from the air during the 6-hour dehumidification mode test, in liters, as measured in section 4.1 of this appendix.

E_{DM} = dehumidifier mode test energy consumption during the 6-hour dehumidification mode test, in kilowatt-hours, as measured in section 4.1 of this appendix.

E_{TLP} = standby mode and off mode annual energy consumption, in kilowatt-hours per year, as calculated in section 5.1 of this appendix.

6 = hours per dehumidification mode test, used to convert annual standby and off mode energy consumption for integration with dehumidification mode energy consumption.

S_{DM} = 1,095 dehumidification mode annual hours.

■ 9. Appendix X1 is added to subpart B of part 430 to read as follows:

Appendix X1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: After November 17, 2014, any representations made with respect to the energy use or efficiency of portable dehumidifiers must be made in accordance with the results of testing pursuant to Appendix X. Alternatively, manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with this appendix. Any representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with whichever version is selected.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole home dehumidifiers, must be made in accordance with the results of testing pursuant to this appendix.

1. Scope

This appendix covers the test requirements used to measure the energy performance of dehumidifiers.

2. Definitions

2.1 *ANSI/AHAM DH–1* means the test standard published by the American National Standards Institute and the Association of Home Appliance

Manufacturers, titled ''Dehumidifiers,'' ANSI/AHAM DH–1–2008 (incorporated by reference; see § 430.3).

2.2 *ANSI/AMCA 210* means the test standard published by ANSI, the American Society of Heating, Refrigeration and Air-Conditioning Engineers, and the Air Movement and Control Association International, Inc., titled ''Laboratory Methods of Testing Fans for Aerodynamic Performance Rating,'' ANSI/ASHRAE 51–07/ANSI/AMCA 210–07 (incorporated by reference; see § 430.3).

2.3 *ANSI/ASHRAE 37* means the test standard published by ANSI and ASHRAE titled ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment'', ANSI/ASHRAE 37–2009, (incorporated by reference; see § 430.3).

2.4 *ANSI/ASHRAE 41.1* means the test standard published by ANSI and ASHRAE, titled ''Standard Method for Temperature Measurement,'' ANSI/ASHRAE 41.1–2013 (incorporated by reference; see § 430.3).

2.5 *Active mode* means a mode in which a dehumidifier is connected to a mains power source, has been activated, and is performing the main functions of removing moisture from air by drawing moist air over a refrigerated coil using a fan, or circulating air through activation of the fan without activation of the refrigeration system.

2.6 *Combined low-power mode* means the aggregate of available modes other than active mode.

2.7 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat or humidity sensor signal; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

2.8 *Energy factor for dehumidifiers* means a measure of energy efficiency of a dehumidifier calculated by dividing the water removed from the air by the energy consumed, measured in liters per kilowatt-hour (L/kWh).

2.9 *External static pressure (ESP)* means the process air outlet static pressure minus the process air inlet static pressure, measured in inches of water column (in. w.c.).

2.10 *Fan-only mode* means an active mode in which the dehumidifier:

(1) Has cycled off its main moisture removal function by humidistat or humidity sensor;

(2) Has activated its fan or blower to operate either cyclically or continuously; and

(3) May reactivate the main moisture removal function according to the humidistat or humidity sensor signal.

2.11 *IEC 62301* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances–Measurement of standby power,'' Publication 62301 (Edition 2.0 2011–01) (incorporated by reference; see § 430.3).

2.12 *Inactive mode* means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor, or timer, or that provides continuous status display.

2.13 *Off mode* means a mode in which the dehumidifier is connected to a mains power source and is not providing any active mode or standby mode function, and where the mode may persist for an indefinite time. An indicator that only shows the user that the dehumidifier is in the off position is included within the classification of an off mode.

2.14 *Off-cycle mode* means a standby mode in which the dehumidifier:

(1) Has cycled off its main moisture removal function by humidistat or humidity sensor;

(2) Does not have its fan or blower operating; and

(3) Will reactivate the main functions according to the humidistat or humidity sensor signal.

2.15 *Product capacity for dehumidifiers* means a measure of the ability of the dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

2.16 *Process air* means the air supplied to the dehumidifier from the dehumidified space and discharged to the dehumidified space after some of the moisture has been removed by means of the refrigeration system.

2.17 *Reactivation air* means the air drawn from unconditioned space to remove moisture from the desiccant wheel of a refrigerant-desiccant dehumidifier and discharged to unconditioned space.

2.18 *Standby mode* means any modes where the dehumidifier is connected to a mains power source and offers one or more of the following user-oriented or protective functions which may persist for an indefinite time:

(1) To facilitate the activation of other modes (including activation or deactivation of active mode) by remote switch (including remote control), internal sensor, or timer;

(2) Continuous functions, including information or status displays (including clocks) or sensor-based functions. A timer is a continuous clock function (which may or may not be associated with a display) that provides regular scheduled tasks (*e.g.,* switching) and that operates on a continuous basis.

3. Test Apparatus and General Instructions

3.1 *Active mode.*

3.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing in dehumidification mode and fan-only mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions. Note that if a product is able to operate as both a portable and whole-home dehumidifier by means of installation or removal of an optional ducting kit, it shall be tested and rated for both configurations.

3.1.1.1 *Testing configuration for whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Dehumidifiers other than refrigerant-desiccant dehumidifiers shall be tested with ducting attached to the process air outlet port. The duct configuration and component placement shall conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 or Figure 3 in section 3.1.3, except that the flow straightener and dry-bulb temperature and relative humidity instruments shall not be required. External static pressure in the process air flow shall be measured as specified in section 3.1.2.2.3.1 of this appendix.

3.1.1.2 *Psychrometer placement.* The psychrometer shall be placed perpendicular to, and 1 ft. in front of, the center of the process air intake grille. For dehumidifiers with multiple process air intake grilles, a separate sampling tree shall be placed perpendicular to, and 1 ft. in front of, the center of each process air intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only.

3.1.1.3 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, the condensate shall be collected in a substantially closed vessel to prevent re-evaporation and shall be placed on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, any automatic shutoff of

dehumidification mode operation that is activated when the collection container is full shall be disabled and any overflow shall be collected in a pan, covered as much as possible to prevent re-evaporation and not impede collection of overflow water, and that is placed beneath the dehumidifier, both of which shall be placed on the weight-measuring instrument for direct reading of the condensate weight during the test. Any internal pump shall not be used to drain the condensate into a substantially closed vessel unless such pump is provided for use by default in dehumidification mode.

3.1.1.4 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, that setting shall be selected. Otherwise, the controls shall be set to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, the maximum fan speed setting shall be selected.

3.1.1.4 *Run-in period.* A single run-in period during which the compressor operates shall be performed before active mode testing. No additional run-in period shall be conducted between dehumidification mode testing and fan-only mode testing.

3.1.2 *Refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing refrigerant-desiccant dehumidifiers in dehumidification mode and fan-only mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except as follows. No weight-measuring instruments are required.

3.1.2.1 *Testing configuration.* Refrigerant-desiccant dehumidifiers shall be tested with ducting attached to the process air inlet and outlet ports and the reactivation air inlet port. The duct configuration and components shall conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 through Figure 3 in section 3.1.3. A cell-type airflow straightener that conforms with the specifications in Section 5.2.1.6, ''Airflow straightener'', and Figure 6A, ''Flow Straightener—Cell Type'', of ANSI/AMCA 210 (incorporated by reference, see § 430.3) shall be installed in each duct consistent with Figure 1 through Figure 3 in section 3.1.1 of this appendix.

3.1.2.2 *Instrumentation.*

3.1.2.2.1 *Temperature.* Dry-bulb temperature sensors shall be installed in a grid centered in the duct, with the plane of the grid perpendicular to the axis of the duct. The number and locations of the sensors within the grid shall be determined according to Section 5.3.5, ''Centers of Segments—Grids,'' of ANSI/ASHRAE Standard 41.1 (incorporated by reference, see § 430.3).

3.1.2.2.2 *Relative humidity.* Relative humidity shall be measured with an aspirating psychrometer with an accuracy within ±1 percent relative humidity. The relative humidity sensor shall be placed at the duct centerline within 1 inch of the dry-bulb temperature grid plane.

3.1.2.2.3 *Pressure.* The pressure instruments used to measure the external static pressure and velocity pressures shall have an accuracy within ±0.01 in. w.c. and a resolution of no more than 0.01 in. w.c.

3.1.2.2.3.1 *External static pressure.* Static pressures in ducts shall be measured using pitot-static tube traverses that conform with the specifications in Section 4.3.1, ''Pitot Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3), with pitot-static tubes that conform with the specifications in Section 4.2.2, ''Pitot-Static Tube,'' of ANSI/AMCA 210. Static pressures at each pitot-static tube in a traverse shall be measured at the static pressure tap and averaged. Duct pressure losses between the unit under test and the plane of each static pressure measurement shall be calculated in accordance with section 7.5.2, ''Pressure Losses,'' of ANSI/AMCA 210. The external static pressure shall be the difference between the measured inlet and outlet static pressure measurements, minus the sum of the inlet and outlet duct pressure losses. For any port with no duct attached, a static pressure of 0.00 in. w.c. with no duct pressure loss shall be used in the calculation of external static pressure. During dehumidification mode testing, the external static pressure shall equal 0.5 in. w.c. ± 0.02 in. w.c.

3.1.2.2.3.2 *Velocity pressure.* Velocity pressures shall be measured using the same pitot traverses as used for measuring external static pressure, and which are specified in section 3.1.2.2.3.1 of this appendix. Velocity pressures shall be determined at each pitot-static tube in a traverse as the difference between the pressure at the impact pressure tap and the pressure at the static pressure tap. Volumetric flow rates in each duct shall be calculated in accordance with Section 7.3.1, ''Velocity Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3).

3.1.2.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, that setting shall be selected. Otherwise, the controls shall be set to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, the maximum fan speed setting shall be selected.

3.1.2.4 *Run-in period.* A single run-in period during which the compressor operates shall be performed before active mode testing. No additional run-in period shall be conducted between dehumidification mode testing and fan-only mode testing.

3.1.3 *Ducting for whole-home dehumidifiers.* Any port designed for intake of air from outside or unconditioned space, other than for supplying reactivation air for refrigerant-desiccant dehumidifiers, shall be covered and sealed with tape. Ducting shall be constructed of galvanized mild steel and shall be 10 inches in diameter. Inlet and outlet ducts shall be positioned either horizontally or vertically to accommodate the default dehumidifier port orientation. All ducts shall be installed with the axis of the section interfacing with the dehumidifier perpendicular to plane of the collar to which each is attached. If manufacturer-recommended collars do not measure 10 inches in diameter, transitional pieces shall be used to connect the ducts to the collars. The transitional pieces shall not contain any converging element that forms an angle with the duct axis greater than 7.5 degrees or a diverging element that forms an angle with the duct axis greater than 3.5 degrees. Mechanical throttling devices shall be installed in each outlet duct consistent with Figure 1 and Figure 3 of this section to adjust the external static pressure. The ducts shall be covered with thermal insulation having a minimum R value of 6 h-ft^2-°F/Btu (1.1 m^2-K/W). Seams and edges shall be sealed with tape.

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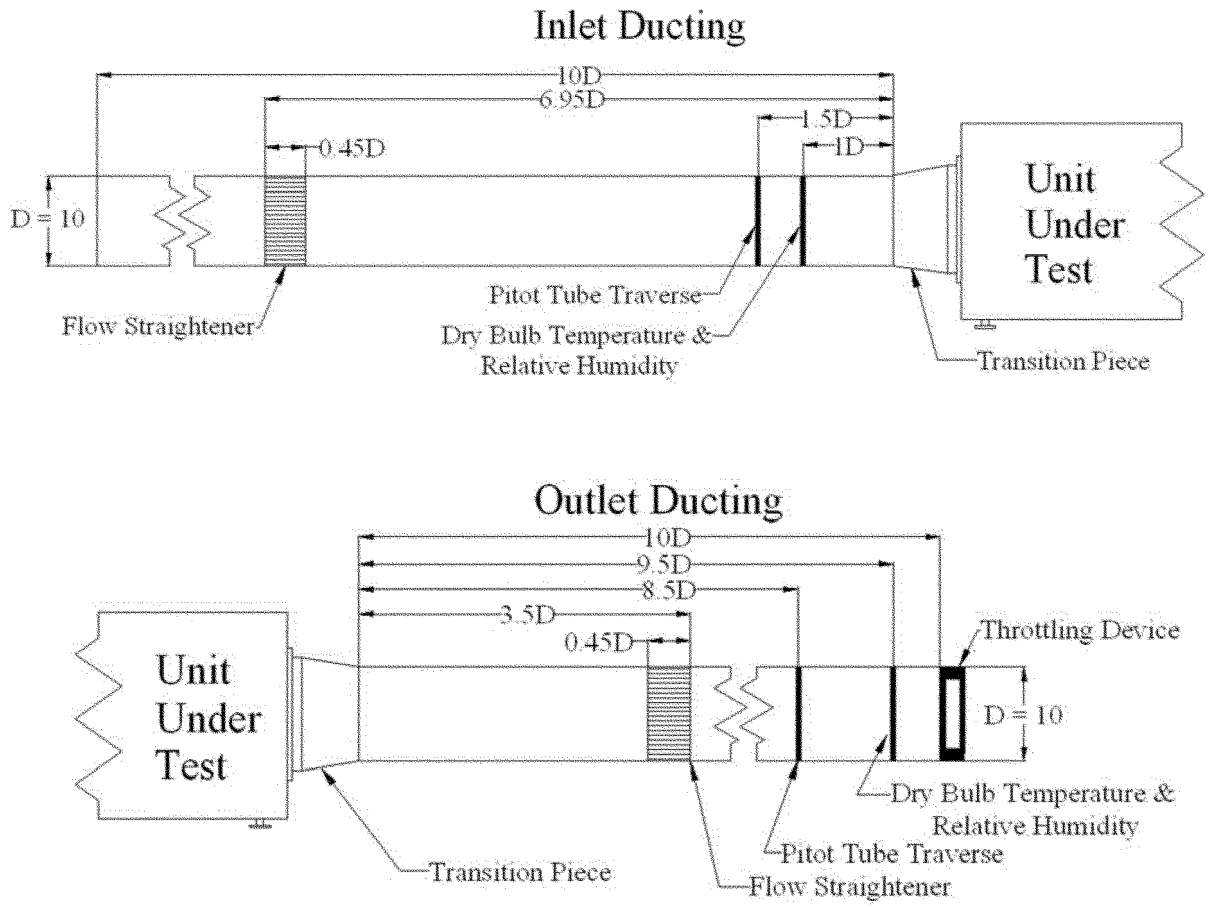

Figure 1. Inlet and Outlet Horizontal Duct Configurations and Instrumentation Placement

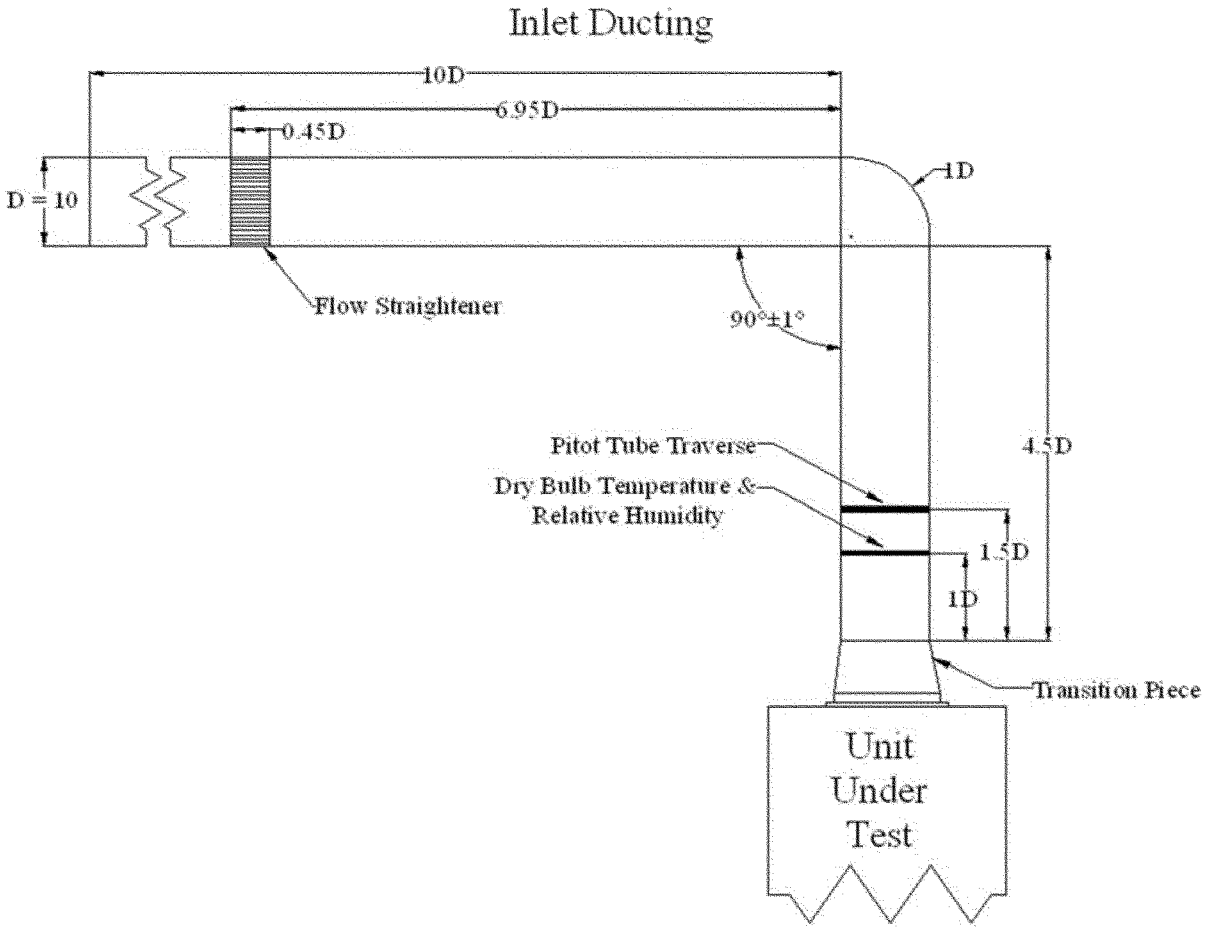

Figure 2: Inlet Vertical Duct Configuration and Instrumentation Placement

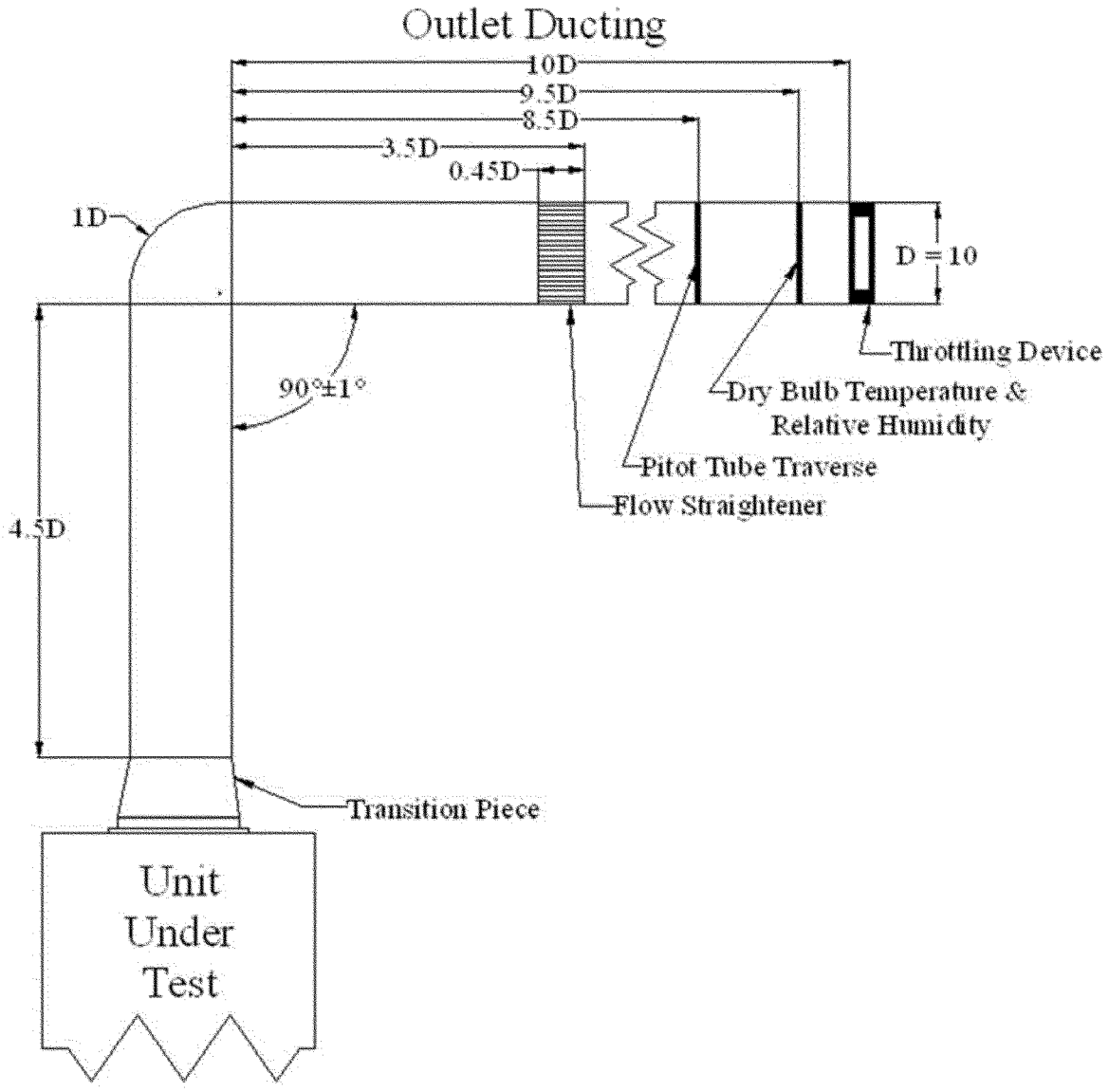

Figure 3: Outlet Vertical Duct Configurations and Instrumentation Placement

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3.1.4 *Recording and rounding.* When testing either a portable dehumidifier or a whole-home dehumidifier, record measurements at the resolution of the test instrumentation. Measurements for portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers shall be recorded at intervals no greater than 10 minutes. Measurements for refrigerant-desiccant dehumidifiers shall be recorded at intervals no greater than 1 minute. Round off calculations to the same number of significant digits as the previous step. Round the final energy factor and integrated energy factor values to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; or

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

Round the final capacity value to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; or

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

3.2 *Standby mode and off mode.*

3.2.1 *Installation requirements.* For the standby mode and off mode testing, the dehumidifier shall be installed in accordance with Section 5, Paragraph 5.2 of IEC 62301 (incorporated by reference, see § 430.3), disregarding the provisions regarding batteries and the determination, classification, and testing of relevant modes.

3.2.2 *Electrical energy supply.*

3.2.2.1 *Electrical supply.* For the standby mode and off mode testing, maintain the electrical supply voltage and frequency indicated in Section 7.1.3, ''Standard Test Voltage,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3). The electrical supply frequency shall be maintained ±1 percent.

3.2.2.2 *Supply voltage waveform.* For the standby mode and off mode testing, maintain the electrical supply voltage waveform indicated in Section 4, Paragraph 4.3.2 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.3 *Standby mode and off mode wattmeter.* The wattmeter used to measure standby mode and off mode power consumption shall meet the requirements specified in Section 4, Paragraph 4.4 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.4 *Standby mode and off mode ambient temperature.* For standby mode and off mode testing, maintain room ambient air temperature conditions as specified in Section 4, Paragraph 4.2 of IEC 62301 (incorporated by reference, see § 430.3).

4. Test Measurement

4.1 *Active mode.*

4.1.1 *Dehumidification mode.*

4.1.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Establish the testing conditions set forth in section 3.1.1 of this appendix. Measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the energy factor, expressed in liters per kilowatt-hour (L/kWh), and product capacity, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that the standard test conditions shall be maintained at 65 °F ± 2.0 °F dry-bulb temperature and 56.6 °F ± 1.0 °F wet-bulb temperature, and psychrometer placement shall be as specified in section 3.1.1.2 of this appendix.

4.1.1.2 *Refrigerant-desiccant dehumidifiers.* Establish the testing conditions set forth in section 3.1.2 of this appendix. Measure the energy consumption, E_{DM}, expressed in kWh, in accordance with the test requirements specified in Section 7.1, ''Capacity Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that (1) the standard test conditions at the air entering the process air inlet duct and the reactivation air inlet shall be maintained at 65 °F ± 2.0 °F dry-bulb temperature and 56.6 °F ± 1.0 °F wet-bulb temperature, (2) the instructions for psychrometer placement shall not apply, (3) the data recorded shall include dry-bulb temperatures, relative humidities, static pressures, and velocity pressures in each duct, and (4) the condensate collected during the test need not be weighed.

4.1.2 *Fan-only mode.* If the dehumidifier operates in fan-only mode, as defined in section 2.10 of this appendix, establish the testing conditions set forth in either section 4.1.2.1 of this appendix or section 4.1.2.2 of this appendix. If the dehumidifier has a user-adjustable fan speed during fan-only mode, the maximum fan speed setting shall be selected. Measure the average fan-only mode power, expressed in watts (W), for a period of 1 hour for fan-only mode in which the fan operates continuously. For fan-only mode in which the fan operates cyclically, measure the average fan-only mode power over a period of three or more full cycles for a minimum of 1 hour.

4.1.2.1 Establish the testing conditions set forth in section 3.2 of this appendix, with the dehumidifier controls set during this testing at a setpoint that is higher than the ambient relative humidity to ensure that the refrigeration system does not cycle on.

4.1.2.2 Establish the test requirements specified in Section 7.1.2, ''Standard Test Conditions,'' Section 7.1.3, ''Standard Test Voltage,'' Section 7.1.4, ''Psychrometer Placement,'' and Section 7.1.5, ''Data to be Recorded,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3). The dehumidifier controls shall be set during this testing at a setpoint that is higher than 60 percent relative humidity to ensure that the refrigeration system does not cycle on.

4.2 *Standby mode and off mode.* Establish the testing conditions set forth in section 3.2 of this appendix, ensuring that the dehumidifier does not enter active mode during the test. For dehumidifiers that take some time to enter a stable state from a higher power state as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301, (incorporated by reference; see § 430.3), allow sufficient time for the dehumidifier to reach the lower power state before proceeding with the test measurement. Follow the test procedure specified in Section 5, Paragraph 5.3.2 of IEC 62301 for testing in each possible mode as described in sections 4.2.1 and 4.2.2 of this appendix.

4.2.1 If the dehumidifier has an inactive mode, as defined in section 2.12 of this appendix, but not an off mode, as defined in section 2.13 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts. Otherwise, if the dehumidifier has an off mode, as defined in section 2.13 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.2.2 If the dehumidifier has an off-cycle mode, as defined in section 2.14 of this appendix, measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

5. Calculation of Derived Results From Test Measurements

5.1 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kilowatt-hours per year. If the dehumidifier is capable of operating in off-cycle mode and not fan-only mode, E_{TLP} shall be calculated as:

$$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$$

If the dehumidifier is capable of operating in fan-only mode and not off-cycle mode, E_{TLP} shall be calculated as:

$$E_{TLP} = (P_{IO} \times S_{IO}) \times K$$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power, in watts, as measured in section 4.2.1 of this appendix.

P_{OC} = dehumidifier off-cycle mode power, in watts, as measured in section 4.2.2 of this appendix.

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours.

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

5.2 *Fan-only mode annual energy consumption.* If the dehumidifier is capable of operating in fan-only mode and not off-cycle mode, E_{FM} shall be calculated as:

$$E_{FM} = (P_{FM} \times S_{FM}) \times K$$

Where:

P_{FM} = dehumidifier fan-only mode power, in watts, as measured in section 4.1.2 of this appendix.

S_{FM} = 1,840.5 dehumidifier fan-only mode annual hours.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

5.3 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in liters per kilowatt-hour, rounded to two decimal places, according to the following:

$$IEF = L_W/[E_{DM} + ((E_{TLP} + E_{FM}) \times 6/S_{DM})]$$

Where:

L_W = water removed from the air during the 6-hour dehumidification mode test, in liters, as measured in section 4.1.1 of this appendix.

E_{DM} = dehumidification mode test energy consumption during the 6-hour dehumidification mode test, in kilowatt-hours, as measured in section 4.1.1 of this appendix.

E_{TLP} = standby mode and off mode annual energy consumption, in kilowatt-hours per year, as calculated in section 5.1 of this appendix.

E_{FM} = fan-only mode annual energy consumption, in kilowatt-hours per year, as calculated in section 5.2 of this appendix for dehumidifiers that operate in fan-only mode and not off-cycle mode; otherwise, $E_{FM} = 0$.

6 = hours per dehumidification mode test, used to convert annual standby and off mode energy consumption for integration with dehumidification mode energy consumption.

S_{DM} = 1,095 dehumidification mode annual hours.

5.4 *Capacity for Refrigerant-Desiccant Dehumidifiers.* The weight of water removed during the test period, expressed in pounds, and capacity, expressed in pints/day, shall be calculated as:

$$W = \sum_{i=1}^{n} \left(\left(AH_{I,i} \times X_{I,i} \right) - \left(AH_{O,i} \times X_{O,i} \right) \right) \times \frac{t}{60}$$

Where:

W = weight of water removed during the test period, in pounds;

n = number of samples during the test period in section 4.1.1.2.2 of this appendix;

$AH_{I,i}$ = absolute humidity of the process air on the inlet side of the unit, in pounds of water per cubic foot of dry air, measured for sample *i* in section 4.1.1.2.2 of this appendix;

$X_{I,i}$ = volumetric flow rate of the process air on the inlet side of the unit, in cubic feet per minute, measured for sample *i* in section 4.1.1.2.2 of this appendix. The volumetric flow rate shall be calculated in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3);

$AH_{O,i}$ = absolute humidity of the process air on the outlet side of the unit, in pounds of water per cubic foot of dry air, measured for sample *i* in section 4.1.1.2.2 of this appendix;

$X_{O,i}$ = volumetric flow rate of the process air on the outlet side of the unit, in cubic feet per minute, measured for sample *i* in section 4.1.1.2.2 of this appendix. The volumetric flow rate shall be calculated in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3);

t = time interval in seconds between samples, with a maximum of 60; and

60 = conversion from minutes to seconds.

$$C = \frac{W \times 24}{1.04 \times T}$$

Where:

C = capacity in pints per day;

24 = number of hours per day;

1.04 = conversion from pounds of water to pints of water; and

T = total test period time in hours.

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Part III

Office of Management and Budget

Statistical Policy Directive: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units; Notice

OFFICE OF MANAGEMENT AND BUDGET

Statistical Policy Directive: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of Solicitation of Comments.

SUMMARY: Under the *Budget and Accounting Procedures Act* of 1950 (31 U.S.C. 1104 (d)) and the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3504 (e)), the Office of Management and Budget (OMB) issues for comment a proposed new Statistical Policy Directive. This Directive affirms the fundamental responsibilities of Federal statistical agencies and recognized statistical units in the design, collection, processing, editing, compilation, analysis, release, and dissemination of statistical information.

In its role as coordinator of the Federal statistical system under the Paperwork Reduction Act, OMB, among other responsibilities, is required to ensure the efficiency and effectiveness of the system as well as the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes. OMB is also charged with developing and overseeing the implementation of Government-wide principles, policies, standards, and guidelines concerning the development, presentation, and dissemination of statistical information. The *Information Quality Act* (Pub. L. 106–554, Division C, title V, Sec. 515, Dec. 21, 2000; 114 Stat. 2763A–153 to 2763A–154) requires OMB, as well as all other Federal agencies, to maximize the objectivity, utility, and integrity of information, including statistical information, provided to the public.

To operate efficiently and effectively, the Nation relies on the flow of objective, credible statistics to support the decisions of governments, businesses, individuals, households, and other organizations. Any loss of trust in the accuracy, objectivity, or integrity of the Federal statistical system and its products causes uncertainty about the validity of measures the Nation uses to monitor and assess its performance, progress, and needs by undermining the public's confidence in the information released by the Government.

To support the quality and objectivity of Federal statistical information, OMB is issuing for comment a proposed new Statistical Policy Directive to affirm the long-acknowledged, fundamental responsibilities of Federal statistical agencies and recognized statistical units in the design, collection, processing, editing, compilation, analysis, release, and dissemination of statistical information. Additional discussion of the proposed Directive, together with the draft Directive itself, may be found in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Comments on the proposed new Statistical Policy Directive detailed in this notice must be in writing. To ensure consideration of comments, they must be received no later than July 21, 2014. Please be aware of delays in mail processing at Federal facilities due to increased security. Respondents are encouraged to send comments electronically via email, FAX, or *http://www.regulations.gov* (discussed in **ADDRESSES** below).

ADDRESSES: Please send any comments or questions about this directive to: Katherine K. Wallman, Chief Statistician, Office of Management and Budget, 10201 New Executive Office Building, Washington, DC 20503, *telephone number:* (202) 395–3093, *FAX number:* (202) 395–7245. You may also send comments or questions via Email to *DirectiveNo1@omb.eop.gov* or to *http://www.regulations.gov*—a Federal E-Government Web site that allows the public to find, review, and submit comments on documents that agencies have published in the **Federal Register** and that are open for comment. Simply type, ''Directive No. 1'' (in quotes) in the Comment or Submission search box, click Go, and follow the instructions for submitting comments.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

Electronic Availability: This document is available on the Internet on the OMB Web site at *www.omb.gov/inforeg/ssp/DirectiveNo1.*

FOR FURTHER INFORMATION CONTACT: Jennifer Park, 10201 New Executive Office Building, Washington, DC 20503, Email address: *jpark@omb.eop.gov* with subject Directive No. 1, *telephone number:* (202) 395–9046, *FAX number:* (202) 395–7245.

SUPPLEMENTARY INFORMATION: The Nation relies on the flow of credible statistics to support the decisions of governments, businesses, individuals, households, and other organizations. Any loss of trust in the relevance, accuracy, objectivity, or integrity of the Federal statistical system and its products can foster uncertainty about the validity of measures our Nation uses to monitor and assess performance, progress, and needs.

Definitions: The terms, *Federal statistical agencies and recognized statistical units, statistical activities, statistical purpose, utility, relevance, objectivity, accuracy,* and *confidentiality,* as used in this section, are defined within the text of the proposed statistical directive in the subsequent section.

Scope: The Federal statistical system comprises over 100 programs that engage in statistical activities. However, this Directive specifically applies to the following *Federal statistical agencies and recognized statistical units:*

—Bureau of Economic Analysis (Department of Commerce);
—Bureau of Justice Statistics (Department of Justice);
—Bureau of Labor Statistics (Department of Labor);
—Bureau of Transportation Statistics (Department of Transportation);
—Census Bureau (Department of Commerce);
—Economic Research Service (Department of Agriculture);
—Energy Information Administration (Department of Energy);
—National Agricultural Statistics Service (Department of Agriculture);
—National Center for Education Statistics (Department of Education);
—National Center for Health Statistics (Department of Health and Human Services);
—National Center for Science and Engineering Statistics (National Science Foundation);
—Office of Research, Evaluation, and Statistics (Social Security Administration);
—Statistics of Income Division (Department of the Treasury);
—Microeconomic Surveys Unit, Federal Reserve Board;

—Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration (Department of Health and Human Services);
—National Animal Health Monitoring System, Animal and Plant Health Inspection Service (Department of Agriculture); and
—Federal statistical agencies and statistical units newly recognized after the issuance of this Directive.

Background: The Federal Government has taken a number of legislative and executive actions, informed by national and international professional practice, to maintain public confidence in the relevance, accuracy, objectivity, and integrity of Federal statistics. Below are listed those actions that provide a common foundation for core statistical agency functions. Taken as a whole, these complementary documents contribute to an integrative framework guiding the production of Federal statistics, encompassing design, collection, processing, editing, compilation, analysis, release, and dissemination.

The Paperwork Reduction Act (PRA) makes OMB responsible, among other requirements, for coordination of the Federal statistical system. The purpose of this coordination is to ensure the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes.

Title V of the E-Government Act of 2002, the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (Pub. L. 107–347, title V; 116 Stat. 2962, Dec. 17, 2002) establishes uniform data protection requirements for Federal statistical collections, sets minimum standards for safeguarding confidential statistical information, and ensures the confidentiality of information collected exclusively for statistical purposes. OMB's *Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002* (72 FR 33362, 33368, June 15, 2007) supports public trust by standardizing the pledge Federal statistical agencies use when collecting information for statistical purposes from the public. It provides a uniform approach to protecting confidential information any time an agency pledges to keep confidential the information it collects exclusively for statistical purposes. This guidance also requires the application of sound scientific and statistical disclosure limitation techniques to minimize the risk of re-identification of survey respondents in statistical data products. Additional legislation requires maintaining the confidentiality of responses to agency-specific data collections.[1]

The *Privacy Act of 1974* and the *Privacy Act Implementation, Guidelines and Responsibilities* (5 U.S.C. 552a; 40 FR 28948, Jul. 9, 1975) establish a series of requirements to ensure that personal information about individuals collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy. *Section 208 of the E-Government Act of 2002* (Pub. L. 107–347, 44 U.S.C. Ch 36, Dec. 17, 2002) requires agencies to conduct privacy impact assessments when they develop, procure, or use information technology to collect, maintain, or disseminate personally identifiable information. OMB's *Circular A–130* (revised Nov. 28, 2000) establishes policy for the management of Federal information resources, including certain privacy reporting and publication requirements. These statutes and policies promote public trust by establishing a common code of fair information practices that applies to all Federal agencies that collect information about individuals.

Pursuant to the *Information Quality Act,* OMB has established guidelines that require each Federal agency to institute procedures to ensure the objectivity, utility, and integrity of information, including statistical information, provided to the public. OMB *Government-wide Information Quality Guidelines* (67 FR 8453, Jan. 3, 2002) define objectivity, utility, and integrity in a manner consistent with use of these terms in the PRA. Each Federal agency, through the adoption or adaptation of these guidelines, maintains its commitment to use the best available science and statistical methods; subjects information, models, and analytic results to independent peer review by qualified experts, when appropriate; disseminates its data and analytic products with a high degree of transparency about the data and methods to facilitate its reproducibility by qualified third parties; and ensures that the presentation of information is comprehensive, informative, and understandable.

OMB's Directive on *Standards and Guidelines for Statistical Surveys* (71 FR 55522, Sept. 22, 2006) describes specific practices that support the quality of design, collection, processing, production, analysis, review, and dissemination of information from statistical surveys.

OMB's *Statistical Policy Directive No. 3, Compilation, Release, and Evaluation of Principal Federal Economic Indicators* (50 FR 38932, Sept. 25, 1985) establishes requirements for Federal agencies regarding the compilation and release of economic activity measures that are relied upon by the public as Principal Federal Economic Indicators.

OMB's *Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies* (73 FR 12622–12625, Mar. 7, 2008) establishes requirements for Federal statistical agencies on the release and dissemination of statistical products. Agencies are required to follow specific procedures to ensure that their release of information is equitable across all users, policy neutral, transparent and understandable to the public, and timely to the needs of data users.

The *President's Memorandum on the Preservation and Promotion of Scientific Integrity* (March 9, 2009) articulates six principles central to the preservation and promotion of scientific integrity. A central theme of the President's memorandum is that the public must be able to trust the science and scientific process informing public policy decisions. The Memorandum for the Heads of Executive Departments and Agencies (December 17, 2010) issued by the Director of the Office of Science and Technology Policy provides guidance for implementing the President's policy on scientific integrity. That memorandum directs Executive departments and agencies to develop policies that ensure a culture of scientific integrity, strengthen the actual and perceived credibility of government research, facilitate the free flow of scientific and technologic information, and establish principles for conveying scientific and technologic information to the public.

Principles and Practices for a Federal Statistical Agency, issued by the National Research Council of the National Academy of Sciences, has guided managerial and technical decisions made by national and international statistical agencies for decades. Four principles are identified.[2]

[1] Examples of such laws are the *Food Security Act of 1985* Sec. 1770, 7 U.S.C. 2276, as amended in Public Law 105–113 (Nov. 21, 1997) (National Agricultural Statistics Service), *13 U.S.C. 9* (Census Bureau), *42 U.S.C. 1873* (National Science Foundation), and the *Education Sciences Reform Act of 2002* (Pub. L. 107–279, Nov. 5, 2002) (National Center for Education Statistics).

[2] *Principles and Practices for a Federal Statistical Agency,* National Research Council of the National

Continued

1. Relevance to Public Policy Issues. A Federal statistical agency must be in a position to provide objective, accurate, and timely information that is relevant to issues of public policy.

2. Credibility Among Data Users. A Federal statistical agency must have credibility with those who use its data and information.

3. Trust Among Data Providers. A Federal statistical agency must have the trust of those whose information it obtains.

4. Independence from Political and Other Undue External Influence. A Federal statistical agency must be independent from political and other undue external influence in developing, producing, and disseminating statistics.

The United States is not alone in identifying statistical principles. The *European Statistics Code of Practice* guides European statistical systems by affirming the European Union member nations' commitment to ensuring high quality in the statistical production process, protecting the confidentiality of the information they collect, and disseminating statistics in an objective, professional, and transparent manner.[3] Fifteen principles are identified.

1. Professional independence of statistical authorities from other policy, regulatory or administrative departments and bodies, as well as from private sector operators, ensures the credibility of European Statistics.

2. Statistical authorities have a clear legal mandate to collect information for European statistical purposes. Administrations, enterprises and households, and the public at large may be compelled by law to allow access to or deliver data for European statistical purposes at the request of statistical authorities.

3. The resources available to statistical authorities are sufficient to meet European Statistics requirements.

4. Statistical authorities are committed to quality. They systematically and regularly identify strengths and weaknesses to continuously improve process and product quality.

5. The privacy of data providers (households, enterprises, administrations and other respondents), the confidentiality of the information they provide, and uses only for statistical purposes are absolutely guaranteed.

6. Statistical authorities develop, produce and disseminate European Statistics respecting scientific independence and in an objective, professional and transparent manner in which all users are treated equitably.

7. Sound methodology underpins quality statistics. This requires adequate tools, procedures and expertise.

8. Appropriate statistical procedures, implemented from data collection to data validation, underpin quality statistics.

9. The reporting burden is proportionate to the needs of the users and is not excessive for respondents. The statistical authorities monitor the response burden and set targets for its reduction over time.

10. Resources are used effectively.

11. European Statistics meet the needs of users.

12. European Statistics accurately and reliably portray reality.

13. European Statistics are released in a timely and punctual manner.

14. European Statistics are consistent internally, over time and comparable between regions and countries; it is possible to combine and make joint use of related data from different sources.

15. European Statistics are presented in a clear and understandable form, released in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.

The *United Nations Fundamental Principles of Official Statistics* affirm ten fundamental principles that promote and build the ''essential trust of the public in the integrity of official statistical systems and confidence in statistics.''[4] These principles ensure that national statistical systems in participating countries produce high quality and reliable data by adhering to certain professional and scientific standards.

1. Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.

2. To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.

3. To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods, and procedures of the statistics.

4. The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.

5. Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.

6. Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.

7. The laws, regulations, and measures under which the statistical systems operate are to be made public.

8. Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

9. The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

10. Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

Although these policies and principles provide a common foundation for core statistical agency functions, the actual implementation of these standards and practices can involve a wide range of managerial and technical challenges. Therefore, to support agency decision-making in a manner that fosters statistical quality, OMB proposes this Statistical Policy Directive. This Directive provides a unified articulation of Federal statistical agency responsibilities. The framework requires statistical agencies to adopt policies, best practices, and appropriate procedures to implement these responsibilities. Such a framework also recognizes the essential role of Federal Departments in supporting Federal

Academies, Fifth edition, Committee on National Statistics, Constance F. Citro and Miron L. Straf, Editors, Division of Behavioral and Social Sciences and Education. Washington, DC. The National Academies Press (2013).

[3] *European Statistics Code of Practice for the National and Community Statistical Authorities,* European Statistical System, Adopted September 28, 2011.

[4] *Fundamental Principles of Official Statistics,* United Nations Statistical Commission, adopted April 11–15, 1994. Revised preamble adopted February 26–March 1, 2013; adopted July 24, 2013 by the United Nations Economic and Social Council; adopted January 29, 2014 by the United Nations General Assembly (with sponsorship by the United States).

statistical agencies as they implement these responsibilities.

Statistical Policy Directive: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units

Authority and Purpose: This Directive affirms the fundamental responsibilities of the component entities of the Federal Statistical System and defines the requirements governing the design, collection, processing, editing, compilation, analysis, release, and dissemination of statistical information by Federal statistical agencies and recognized statistical units. The Directive is issued under the authority of the *Budget and Accounting Procedures Act* of 1950 (31 U.S.C. 1104(d)) and the *Paperwork Reduction Act* of 1995 (44 U.S.C. 3504 (e)).

Scope: This Directive applies to *Federal statistical agencies and recognized statistical units*—defined in the *Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002* (CIPSEA Implementation Guidance) (72 FR 33362, 33368, June 15, 2007), as well as Federal statistical agencies and statistical units newly recognized after the issuance of this Directive, as agencies or organizational units of the Executive Branch whose principal mission is statistical activity.

Definitions: As defined in *Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002* (CIPSEA) (Pub. L. 107–347, title V; 116 Stat. 2962, Dec. 17, 2002), *statistical activities* are the collection, compilation, processing, analysis, or dissemination of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment, including the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames. CIPSEA defines *statistical purpose* as the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support such purposes. As defined in *Principles and Practices for a Federal Statistical Agency* (*Principles and Practices*), *relevance* means measuring processes, activities, and things that matter to policy makers, and public and private sector data users.[1] *Objectivity,* as defined in *Government-wide Information Quality Guidelines* (Information Quality Guidelines) (67 FR 8453, Jan. 3, 2002), refers to disseminating information in an accurate, clear, complete, and unbiased manner. As defined in *Principles and Practices* (p. 11), *accuracy* refers to generating statistics that consistently match the events and trends being measured. *Confidentiality* refers to a quality or condition of information as an obligation not to transmit that information to an unauthorized party.[2]

Introduction: This Directive delineates the fundamental responsibilities of Federal statistical agencies and recognized statistical units. The responsibilities in this Directive are built upon and are consistent with the goals and principles of the *Paperwork Reduction Act,* the *Information Quality Act* (Pub. L. 106–554, Division C, title V, Sec. 515, Dec. 21, 2000; 114 Stat. 2763A–153 to 2763A–154), *Information Quality Guidelines, CIPSEA, CIPSEA Implementation Guidance,* the *Privacy Act of 1974,* the *Privacy Act Implementation, Guidelines and Responsibilities, Section 208 of the E-Government Act of 2002* (Pub. L. 107–347, 44 U.S.C. Ch 36, Dec. 17, 2002), OMB's *Circular A–130* (revised Nov. 28, 2000), the *President's Memorandum on the Preservation and Promotion of Scientific Integrity* (March 9, 2009), the *Memorandum for the Heads of Executive Departments and Agencies* (December 17, 2010) issued by the Director of the Office of Science and Technology Policy (OSTP Memorandum of December 17, 2010), *Standards and Guidelines for Statistical Surveys* (71 FR 55522, Sept. 22, 2006), *Statistical Policy Directive No. 3, Compilation, Release, and Evaluation of Principal Federal Economic Indicators* (Directive 3) (50 FR 38932, Sept. 25, 1985), *Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies* (Directive 4) (73 F.R. 12622–12625, Mar. 7, 2008) and *Principles and Practices.* The responsibilities in this Directive are also consistent with the *European Statistics Code of Practice*[3] and the *United Nations Fundamental Principles of Official Statistics.*[4] This Directive is not intended to replace current guidance; agencies must continue to comply with all applicable laws, regulations, and policies.

The responsibilities delineated in this Directive provide a framework that supports Federal statistical policy and serves as a foundation for Federal statistical activities, promoting trust among statistical agencies, data providers, and data users. Data users rely upon an agency's reputation as an objective source of relevant, accurate, and objective statistics, and data providers rely upon an agency's authority and reputation to honor its pledge to protect the confidentiality of their responses. Federal statistical agencies and recognized statistical units must adhere to these responsibilities and adopt policies, best practices, and appropriate procedures to implement them. Federal departments must enable, support, and facilitate Federal statistical agencies as they implement these responsibilities.

Therefore, it is the responsibility of Federal statistical agencies and recognized statistical units to *produce relevant and timely information; conduct credible, accurate, and objective statistical activities;* and *protect the trust of information providers by ensuring confidentiality of their responses as described below.*[5]

Responsibility 1: Produce and disseminate relevant and timely information. The core mission of Federal statistical agencies and recognized statistical units is to produce relevant and timely statistical information to inform decision-makers in governments, businesses, institutions, and households. Federal statistical agencies and recognized statistical units must be knowledgeable about the issues and requirements of programs and policies relating to their subject matter. This requires communication and coordination among agencies and

[1] *Principles and Practices for a Federal Statistical Agency,* National Research Council of the National Academies, Fifth edition, Committee on National Statistics, Constance F. Citro and Miron L. Straf, Editors, Division of Behavioral and Social Sciences and Education. Washington, DC. The National Academies Press, (2013), p. 11.

[2] *Private Lives and Public Policies: Confidentiality and Accessibility of Government Statistics.* Committee on National Statistics, Commission on Behavioral and Social Sciences and Education, National Research Council and the Social Science Research Council, Washington, DC. National Academy Press (1993) p. 22.

[3] *European Statistics Code of Practice for the National and Community Statistical Authorities,* European Statistical System, Adopted September 28, 2011.

[4] *Fundamental Principles of Official Statistics,* United Nations Statistical Commission, adopted April 11–15, 1994. Revised preamble adopted February 26–March 1, 2013; adopted July 24, 2013 by the United Nations Economic and Social Council; adopted January 29, 2014 by the United Nations General Assembly (with sponsorship by the United States).

[5] Although the responsibilities of statistical agencies and recognized statistical units are numbered here for ease of reference, no ranking of importance is implied.

within and across Departments when planning information collection and dissemination activities. In addition, Federal statistical agencies and recognized statistical units must seek input regularly from the broadest range of private- and public-sector data users, including analysts and policy makers within Federal, State, local, tribal, and territorial government agencies; academic researchers; and private sector businesses and constituent groups. Program and policy-relevant information may be directly collected from individuals, organizations, or establishments through surveys; administrative records collected and maintained by the agency, or other government agencies; datasets available from the private sector; or publicly available information released on Internet Web sites that meets an agency's quality standards. Statistical agencies should be innovative in applying new technologies in their methods for collecting, processing, and disseminating data to improve the timeliness of their information and the efficiency of their operations. (*Principles and Practices,* pp. 17 and 53)

Responsibility 2: Conduct credible and accurate statistical activities. Federal statistical agencies and recognized statistical units apply sound statistical methods to ensure statistical products are accurate. Federal statistical agencies and recognized statistical units achieve this by regularly evaluating the data and information products they publicly release against the OMB Government-wide *Information Quality Guidelines* as well as their individual agency information quality guidelines. Where appropriate, information about how the data were collected and any known or potential data limitations or sources of error (such as population or market coverage, or sampling, measurement, processing, or modeling errors) should be described to data users so they can evaluate the suitability of the data for a particular purpose. Errata identified after data release should be described to data users on an ongoing basis as verified. Federal statistical agencies and recognized statistical units must be vigilant to seek new methods and adopt new technologies to ensure the quality and efficiency of the information they collect and produce. (*Principles and Practices,* pp. 42–43) Data derived from outside sources must be described in information products and communication materials so that users can use exogenous information appropriately. Federal statistical agencies and recognized statistical units must provide complete documentation of their dissemination policies and ensure that all users have equitable access to data disseminated to the public. (*Statistical Policy Directive No. 4,* 12622 at 12625) Additionally, Federal statistical agencies and recognized statistical units must periodically review the techniques and procedures used to implement their information quality guidelines to keep pace with changes in best practices and technology.

Responsibility 3: Conduct objective statistical activities. It is paramount that Federal statistical agencies and recognized statistical units produce data that are impartial, clear, and complete and are readily perceived as such by the public. The objectivity of the information released to the public is maximized by making information available on an equitable, policy-neutral, transparent, and timely basis. Accordingly, Federal statistical agencies and recognized statistical units must function in an environment that is clearly separate and autonomous from the other administrative, regulatory, law enforcement, or policy-making activities within their Department. Specifically, Federal statistical agencies and recognized statistical units must be able to conduct statistical activities autonomously when determining what information to collect and process, which methods to apply in their estimation procedures and data analysis, when and how to disseminate their statistical products, and which staff to select to join their agencies. Federal statistical agencies and recognized statistical units must seek to avoid even the appearance that agency collection, analysis, and dissemination processes may be manipulated in order to maintain credibility with data providers and users as well as the public. The actual and perceived credibility of Federal statistics requires assurance that the selection of candidates for statistical positions is based primarily on their scientific and technical knowledge, credentials, experience, and integrity. Moreover, Federal statistical agencies maintain and develop in-house staff that are trained in statistical methodology to properly analyze data, and to plan, design, and implement core data collection operations. (*OMB Government-wide Information Quality Guidelines; OSTP Memorandum of December 17, 2010; Principles and Practices,* p. 70)

Responsibility 4: Protect the trust of information providers by ensuring the confidentiality of their responses. Maintaining and enhancing the public's trust in a Federal statistical agency's or recognized statistical unit's ability to protect the integrity of the information provided under a pledge of confidentiality is essential for the completeness and accuracy of statistical information as well as the efficiency and burden of its production. Providers of information, such as survey respondents, must be able to trust and rely upon the information and confidentiality pledges that Federal statistical agencies and recognized statistical units provide about the need to collect information and its intended use for exclusively statistical purposes. Maintaining a consistent level of protection reduces public confusion, uncertainty, and concern about the treatment and use of reported information. (*Order Providing for the Confidentiality of Statistical Information,* 62 FR 35044 (June 27, 1997)) In addition, adopting this consistent approach reduces the cost and reporting burden imposed by programs of Federal statistical agencies and recognized statistical units. Fostering trust among data providers about a statistical agency's authority and ability to protect the confidentiality of information promotes higher participation in surveys and accurate reporting of information from respondents. Federal statistical agencies and recognized statistical units build and sustain trust with data providers by maintaining a strong organizational climate that safeguards and protects the integrity and confidentiality of the data collected, processed, and analyzed to ensure that the information is secure against unauthorized access, editing, or deletion. Federal statistical agencies and recognized statistical units must fully adhere to legal requirements and follow best practices for protecting the confidentiality of data, including training their staffs and ensuring the physical and information system security of confidential information. (*CIPSEA Implementation Guidance,* 33362 at 33374)

These responsibilities serve as a framework for Federal statistical policy and the foundation upon which core functions of Federal statistical agencies and recognized statistical units are grounded. Adherence to these responsibilities ensures that the Federal statistical system continues to provide relevant, accurate, objective statistics in a manner that honors and maintains the public's trust.

Howard A. Shelanski,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2014–11735 Filed 5–20–14; 8:45 am]

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FEDERAL REGISTER

Vol. 79 Wednesday,

No. 98 May 21, 2014

Part IV

The President

Proclamation 9126—National Safe Boating Week, 2014
Proclamation 9127—Emergency Medical Services Week, 2014
Proclamation 9128—World Trade Week, 2014
Proclamation 9129—Armed Forces Day, 2014

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Presidential Documents

Title 3—

The President

Proclamation 9126 of May 16, 2014

National Safe Boating Week, 2014

By the President of the United States of America

A Proclamation

Our Nation's lakes, rivers, and oceans provide havens for reflection and offer boundless opportunities for recreation with loved ones. As we mark National Safe Boating Week, we emphasize the importance of taking precautions and practicing responsible behavior when embarking on America's waterways.

Before leaving shore, boaters can reduce their risks by taking a boating safety course, conducting a vessel safety check, and filing a float plan with family members or friends. Boaters should make sure they understand the marine forecast and take note of any significant weather. To prevent accidents, injury, and death, operators and passengers should always wear life jackets and never consume alcohol or drugs.

During National Safe Boating Week, we also recognize the crucial work of the United States Coast Guard to prevent boating accidents that claim lives, cause injuries, and damage property. We thank their partners across our Nation. And we recommit to taking the proper measures to keep America's waterways safe and enjoyable for all.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period prior to Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 17 through May 23, 2014, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating education.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–11930
Filed 5–20–14; 11:15 am]
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Presidential Documents

Proclamation 9127 of May 16, 2014

Emergency Medical Services Week, 2014

By the President of the United States of America

A Proclamation

Wherever and whenever crisis hits, the men and women of our emergency medical services (EMS) rush to the scene. With unyielding steadiness, they bring care to those who need it most. During Emergency Medical Services Week, we show our gratitude to the EMS practitioners who aid our families, friends, and neighbors in their darkest moments.

We saw their professionalism in action after a devastating storm hit Vilonia, Arkansas. Immediately after a tornado struck, 200 people, including EMS personnel from other counties, were ready to go house to house searching for injured neighbors. We saw it after last month's mudslide in Washington State when first responders and rescue crews braved unsteady ground to search for survivors. And we see it in towns and cities across America every hour of every day. My Administration is dedicated to supporting the vital work of our paramedics, emergency medical technicians, 911 dispatchers, and EMS medical directors.

This week, we thank the EMS providers who ease suffering and so often mean the difference between life and death. Let us honor their service with a renewed commitment to them. Let us ensure that those who watch over our communities have the support they need to get the job done.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 18 through May 24, 2014, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for their local EMS providers and taking steps to improve their personal safety and preparedness.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–11932
Filed 5–20–14; 11:15 am]
Billing code 3295–F4

Presidential Documents

Proclamation 9128 of May 16, 2014

World Trade Week, 2014

By the President of the United States of America

A Proclamation

Commercial ties build partnerships between nations and spur growth across the world. Here in America, trade bolsters our small businesses, which make up 98 percent of our exporters and create nearly two out of every three new jobs. During World Trade Week, we celebrate these benefits, and we redouble our efforts to promote trade while protecting workers, safeguarding the environment, and opening markets to new goods stamped, ''Made in the USA.''

My Administration is dedicated to supporting high-quality American jobs through exports. In 2010, I launched the National Export Initiative (NEI), and since then our determined focus on exports has helped more American small and medium-sized businesses and farmers create jobs by selling their products abroad. We are now selling more American goods and services overseas than at any time in our history. Last year alone, our exports supported 11.3 million American jobs.

Earlier this month, my Administration renewed its commitment to creating American jobs by launching a new phase of the National Export Initiative, NEI/NEXT. This new phase will build on the NEI's success by helping companies find export opportunities, gain access to financing, and move their goods across borders. NEI/NEXT will also open markets around the world while ensuring a level playing field for American companies. My Administration is also helping American companies strengthen their global competitiveness by investing in cutting-edge manufacturing techniques. Over the past 4 years, factories that once went dark have turned on their lights again, and the United States has seen the first sustained growth in manufacturing jobs in over two decades.

As we ensure the next technological revolution is American-made, we must also create new opportunities to sell our goods throughout the world. Alongside our partners in the Asia-Pacific, we are working to complete negotiation of the Trans-Pacific Partnership, which will lower barriers to trade, create jobs in America and across the Pacific, and open up markets to our exports in the world's fastest-growing region. And to grow prosperity on both sides of the Atlantic, we launched negotiations with the European Union on a Transatlantic Trade and Investment Partnership.

America's economic strength is a source of strength in the world. As our global economy evolves, as countries forge ever-stronger links, the United States must not stand on the sidelines. If we do not shirk from this challenge, if we continue to embrace the grit and innovative spirit that has always defined our Nation, I am confident America's best days lie ahead.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 18 through May 24, 2014, as World Trade Week. I encourage all Americans to observe this week with events, trade shows, and educational programs that celebrate and inform Americans about the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–11933
Filed 5–20–14; 11:15 am]
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Presidential Documents

Proclamation 9129 of May 16, 2014

Armed Forces Day, 2014

By the President of the United States of America

A Proclamation

In every generation, there are men and women who stand apart. They put on the uniform and put their lives on the line so the rest of us might live in a safer, freer, more just world. They defend us in times of peace, times of war, and times of crisis, both natural and man-made. On Armed Forces Day, we honor the Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen who render the highest service any American can offer.

The patriots who stand sentry for our security are a proud link in an unbroken chain that stretches through the centuries. This generation has distinguished itself on mission after mission, tour after tour. Because of their heroism, the core of al-Qaeda is severely degraded and our homeland is more secure. Thanks to their extraordinary sacrifice, we are winding down more than a decade of war and strengthening alliances that extend our values. These are the gifts they have given us, and this is why we owe them a profound debt of gratitude.

It is our obligation to ensure our troops have all they need to complete their missions abroad, but we must also support them when they return home. We must care for the families who serve alongside them and fulfill our promises today, tomorrow, and forever. And we must demonstrate our thanks by building a Nation worthy of their sacrifices, a Nation that lives up to our founding ideals and allows every citizen to write their chapter of the American story.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, and Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for encouraging the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States. I also invite veterans, civic leaders, and organizations to join in the observance of Armed Forces Day.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops and their families.

Proclamation 8984 of May 17, 2013, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of May, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2014–11939
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To amend the National Law Enforcement Museum Act to extend the termination date. (May 16, 2014; 128 Stat. 1154)

H.R. 4192/P.L. 113–103
To amend the Act entitled ''An Act to regulate the height of buildings in the District of Columbia'' to clarify the rules of the District of Columbia regarding human occupancy of penthouses above the top story of the building upon which the penthouse is placed. (May 16, 2014; 128 Stat. 1155)

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