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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. FAA–2013–0944]

Pilot Assigned as Second in Command; Legal Interpretation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: On November 13, 2013, the FAA sought comment on a proposed legal interpretation intended to clarify the qualification requirements for the pilot assigned as second in command on a flight in part 121 operations that require three or more pilots and the pilot who provides relief to the assigned second in command during the en route cruise portion of the flight. On April 29, 2014, the FAA issued a legal interpretation on these issues. This legal interpretation is available on the agency's Web site and in the docket for the proposed legal interpretation.

DATES: June 4, 2014.

ADDRESSES: You may review the public docket for the proposed legal interpretation (Docket No. FAA–2013–0944) on the Internet at *www.regulations.gov*. You may also review the public docket at the Docket Management Facility in Room W12–140, of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Sara Mikolop, Attorney, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202 267–3073.

SUPPLEMENTARY INFORMATION: On November 13, 2013, the FAA sought comment on a proposed legal interpretation intended to clarify the qualification requirements for (1) the pilot assigned as second in command (SIC) on a flight in part 121 operations that require three or more pilots and (2) the pilot who provides relief to the assigned SIC during the en route cruise portion of the flight. *See* 78 FR 67983 (Nov. 13, 2013). The agency received 15 comments on the proposed legal interpretation.

On April 29, 2014, the FAA issued a legal interpretation on these issues. The legal interpretation was adopted as proposed with minimal clarifying information. It is available on the agency's Web site [1] and in docket FAA–2013–0944.[2] (A related legal interpretation provided to Southern Air Inc. can also be found on the agency's Web site and in docket FAA–2013–0944.) This legal interpretation reaffirms Legal Interpretation 1978–27, which stated § 121.432(a) requires a pilot who serves as SIC of an operation that requires three or more pilots to meet all pilot in command (PIC) qualification requirements except for PIC operating experience. This legal interpretation also clarifies that the pilot relieving the assigned SIC during the en route portion of the flight need not meet the additional SIC qualification requirements identified in § 121.432(a).

Issued in Washington, DC, on May 29, 2014.

Mark W. Bury,

Assistant Chief Counsel for International Law, Legislation and Regulations.

[FR Doc. 2014–12982 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–13–P

[1] *www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations.*

[2] Instructions for access to docket FAA–2013–0944 can be found in the **ADDRESSES** section of this document.

FEDERAL TRADE COMMISSION

16 CFR Part 300

[RIN 3084–AB29]

Rules and Regulations Under the Wool Products Labeling Act of 1939

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its rules and regulations under the Wool Products Labeling Act of 1939 (''Wool Rules'' or ''Rules'') to conform to the requirements of the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act, which revised the labeling requirements for cashmere and certain other wool products, and align with the amended rules and regulations under the Textile Fiber Products Identification Act (''Textile Rules'').

DATES: The amended Rules are effective on July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Robert M. Frisby, Attorney, (202) 326–2098, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Introduction

As part of its ongoing regulatory review program, the Commission published an Advance Notice of Proposed Rulemaking and Request for Public Comment (''ANPR'') in January 2012 [1] seeking comment on the economic impact of, and the continuing need for, the Wool Rules. The ANPR sought comment generally on the Rules' benefits to consumers and burdens on businesses. It also asked about specific issues, including how to modify the Rules to implement the Wool Suit Fabric Labeling Fairness and International Standards Conforming Act (''Conforming Act''),[2] and the costs and benefits of certain provisions of the Wool Products Labeling Act of 1939 (''Wool Act'').[3]

The Wool Act and Rules [4] require marketers to, among other things, attach a label to each covered wool product disclosing: (1) The percentages by weight of the wool, recycled wool, and other fibers accounting for 5% or more of the product, and the aggregate of all other fibers; (2) the maximum percentage of the total weight of the wool product of any non-fibrous matter; (3) the name under which the

[1] 77 FR 4498 (Jan. 30, 2012).

[2] Public Law 109–428, 120 Stat. 2913.

[3] 15 U.S.C. 68–68j.

[4] Commission's Rules and Regulations under the Wool Products Labeling Act, 16 CFR Part 300, which implement the Wool Act.

manufacturer or other responsible company does business or, in lieu thereof, the registered identification number (''RN number'') of such company; and (4) the name of the country where the wool product was processed or manufactured.[5]

The Commission received six comments[6] in response to its ANPR. Based on these comments, the Commission issued a Notice of Proposed Rulemaking (''NPRM'') proposing amendments to conform to the requirements of the Conforming Act and to align with the proposed amendments to the Textile Rules.[7]

The Commission received seven comments[8] in response: a joint comment from the Cashmere and Camel Hair Manufacturers Institute, International Wool Textile Organization, and the National Council of Textile Organizations;[9] and one each from the American Apparel & Footwear Association;[10] the International Wool Textile Organization;[11] the United States Fashion Industry Association;[12] the Australian Government;[13] James Francis Casale of The Detweiler House;[14] and David Trumbull of Agathon Associates.[15] This **Federal Register** Notice summarizes the comments, explains the amendments to the Wool Rules, provides the analyses required by the Regulatory Flexibility Act and the Paperwork Reduction Act, and sets forth the amended Rule provisions.

II. Summary of Comments

In this section, the Commission summarizes the main points made by the comments. Comments addressing the issue favored amending the Rules to implement the Conforming Act but urged the Commission to limit the use of ''Super'' and ''S'' to describe certain very fine wool products. The comments also generally favored aligning the Rules with the amended Textile Rules or were silent on this issue.[16] Moreover, the comments generally agreed with the proposed amendments relating to hang-tags, with the exception of the proposed hang-tag disclosures. One comment opposed the proposed annual renewal for continuing guaranties.

A. Very Fine Wool Products

Four comments addressed implementation of the Conforming Act by adding the Act's definitions of very fine wool. The Conforming Act provides that wool products described by certain terms (*e.g.,* ''Super 80's'' or ''80's,'' ''Super 90's'' or ''90's,'' etc.) are misbranded unless the wool fibers are a certain average diameter or finer. The commenters urged the Commission to limit the use of ''Super'' and ''S'' numbers.[17] Three comments urged the Commission to study how consumers interpret ''Super'' and ''S'' numbers.[18] The Joint comment also argued that consumers interpret ''Super'' numbers to mean that the garment contains wool of the corresponding diameter, and that the Conforming Act prohibits labeling that describes suits containing no wool as ''Super.''[19] IWTO stated that ''S'' numbers should not be used to describe non-wool products. Two comments favored amending the Rules to allow the use of the word ''Super'' to describe only pure wool because this practice is common in the weaving industry and the use of ''Super'' to describe blends could cause confusion.[20]

B. Hang-Tag Disclosures

Three comments expressed support for the Commission's proposal to allow certain hang-tags identifying a fiber even though they do not disclose a product's full fiber content.[21] Two of these comments, however, questioned or opposed a blanket requirement for hang-tag disclosures (*e.g.,* ''See label for the product's full fiber content'') for products containing multiple fiber types. AAFA questioned whether the disclosure was necessary and requested clarification on how to make the disclosure clearly and conspicuously. USFIA urged the Commission to eliminate the disclosure requirement unless there is a demonstrable danger of deception, such as a circumstance where a product contains only a small amount of the fiber described in the hang-tag.[22]

C. Continuing Guaranties

Two comments addressed issues relating to continuing guaranties. AAFA opposed the proposal to have continuing guaranties expire after one year unless revoked earlier. It disagreed with the Commission's assertion that requiring annual renewal of continuing guaranties would impose minimal costs on industry. One AAFA member estimates spending 5–8 hours on each continuing guaranty it files. AAFA explained that most companies file dozens of such guaranties and many file hundreds. As a result, AAFA argued, the requirement may be unmanageable for many companies. AAFA also noted that filing guaranties is not the only relevant cost. It stated that vendors face a ''clerical nightmare of keeping up with the guaranties'' and buyers have difficulty obtaining guaranties from the Commission in a timely fashion. None of the comments expressed support for amending the Rules to have continuing guaranties expire after one year.

Another comment opposed the automatic incorporation of a recent amendment to the Textile Rules replacing the requirement that guarantors sign continuing guaranties under penalty of perjury with a certification requirement.[23] The Wool Rules reference the amended provision of the Textile Rules, thereby incorporating the change to the Textile Rules without further action by the

[5] 15 U.S.C. 68b(a).

[6] The comments are posted at *http://www.ftc.gov/policy/public-comments/initiative-418.* The Commission also considered one comment filed in the Textile rulemaking by Adam Varley. *See http://www.ftc.gov/policy/public-comments/comment-00003-30.*

[7] 78 FR 57808 (Sept. 20, 2013). The Commission amended the Textile Rules in March 2014. The amendments take effect on May 5, 2014. *See* 79 FR 18766 (Apr 4, 2014).

[8] These comments are posted at *http://www.ftc.gov/policy/public-comments/initiative-507.* The Commission has assigned each comment a number appearing after the name of the commenter and the date of submission. This notice cites comments using the last name of the individual submitter or the name of the organization or country, followed by the number assigned by the Commission.

[9] Joint Comment (3).

[10] AAFA (14).

[11] IWTO (12).

[12] USFIA (8).

[13] Australia (7).

[14] Casale (11).

[15] Trumbull (13).

[16] For example, AAFA and USFIA supported the proposal to amend the Rules to state that an imported product's country of origin as determined under the laws and regulations enforced by U.S. Customs and Border Protection shall be the country where the product was processed or manufactured. Australia had no objection to this proposal, and none of the other comments addressed it. This amendment tracks the recent amendment to the Textile Rules.

[17] Two comments agreed with the Commission that fiber from the cashmere goat should be labeled as wool if it does not meet the Conforming Act's definition of ''cashmere.'' *See* Joint comment and Trumbull. Three comments agreed with the Commission's decision not to propose additional deviations or tolerances for ''Super'' or ''S'' numbers used to describe very fine wool products. *See* Joint comment, IWTO, and Trumbull.

[18] Joint comment, IWTO, and Trumbull. Trumbull stated that he agreed with the Joint comment on issues relating to the use of the term ''super'' to describe wool.

[19] The Joint comment also urged the Commission to address in the Rules how one should label a wool product where the warp yarn diameter differs from the filler yarn diameter. It noted that many in the wool trade average the diameters.

[20] IWTO and Australia.

[21] AAFA, IWTO, and USFIA. Also, Australia advised that it has no concerns about the hang-tag proposal.

[22] USFIA noted that, because fiber suppliers may not know the product's fiber content, they will have to include the disclosure on all hang-tags, which could mislead consumers if the fiber described in the hang-tag is the only fiber type.

[23] Casale.

Commission. Although the comment favored the new certification requirement, it opposed dropping the signing under penalty of perjury requirement because doing so would dilute confidence in guaranties. The comment argued that the certification would not be as reliable or as well understood as signing under penalty of perjury, and that by its own terms it does not apply to the initial product submission. None of the other comments addressed these issues.

III. Amendments

The record supports modifying and clarifying the Rules as the Commission proposed, except for the proposal that continuing guaranties expire after one year unless revoked earlier.[24] In particular, the Wool Rules should reflect the Wool Act as amended in 2006 by the Conforming Act and align with the recently amended Textile Rules.[25] Indeed, the Commission lacks the discretion not to amend the Rules to implement the Conforming Act.[26] Accordingly, the Commission amends the Rules regarding fiber content disclosures, country-of-origin disclosures, and wool guaranties.[27]

A. Fiber Content Disclosures

The Commission amends the Rules' fiber content disclosure provisions to: (1) Incorporate the Wool Act's new definitions for cashmere and very fine wools; (2) clarify § 300.20's descriptions of products containing virgin or new wool; and (3) revise §§ 300.8(d) and 300.24(b) to allow certain hang-tags disclosing fiber trademarks and performance even if they do not disclose the product's full fiber content.

1. Cashmere and Wool Products Made From Very Fine Wool

The Conforming Act amended the Wool Act by defining ''cashmere'' and wool products composed of very fine wool (*e.g.,* ''super 80s''). The following amendments conform the Wool Rules to the amended Wool Act.

a. Cashmere

The Wool Act now provides that a product ''stamped, tagged, labeled, or otherwise identified as cashmere'' is misbranded unless: (1) It is composed of fine (dehaired) undercoat fibers from a cashmere goat; (2) its fibers have an average diameter of no more than 19 microns; and (3) it contains no more than 3 percent cashmere fibers with average diameters that exceed 30 microns.[28] Accordingly, the Commission proposed incorporating the statutory definition of ''cashmere'' into § 300.19.[29] The Commission adopts this amendment.

In the NPRM, the Commission stated that fibers from the cashmere goat should be labeled as wool if they do not meet the Conforming Act's definition of cashmere. The two comments addressing this issue agreed with the Commission.[30]

b. Very Fine Wools

The Conforming Act defined the average diameter of fibers required when labeling ''very fine wools.'' The Commission proposed to add a new § 300.20a to incorporate these definitions. Four commenters raised additional issues regarding the labeling of such wools, but the record provides an insufficient basis for proposing further changes to the Rules. The Commission addresses the labeling of very fine wool below.

(1) New § 300.20a

The Conforming Act provides that wool products described by certain terms (*e.g.,* ''Super 80's'' or ''80's,'' ''Super 90's'' or ''90's,'' ''Super 100's'' or ''100's,'' ''Super 110's'' or ''110's,'' ''Super 120's'' or ''120's,'' ''Super 130's'' or ''130's,'' *etc.*) are misbranded unless the wool fibers are of a certain average diameter or finer. In essence, the amendment provides that any wool product described by one of these terms is misbranded unless the average diameter of the wool fiber is the number of microns specified in the Wool Act or finer.[31]

To make the Rules consistent with the amended Wool Act, the Commission adds a new § 300.20a, entitled ''Labeling of very fine wool.'' This section provides that wool products described by certain terms are misbranded unless the wool fibers comport with the amended Wool Act.

(2) Standards and Deviations

The Conforming Act provides that, ''in each such case, the average fiber diameter of such wool product may be subject to such standards or deviations as adopted by regulation by the Commission.''[32] Based on the comments filed in response to the NPRM, the Commission did not propose any additional standards or deviations. The Joint comment and Trumbull agreed with this decision. None of the comments disagreed.

(3) Limiting the Use of ''Super'' and ''S'' Numbers

The Commission adopts the proposed amendments implementing the Conforming Act with regard to the use of ''Super'' and ''S'' numbers.[33] The Commission declines the comments' request to propose limits on the use of ''Super'' and ''S'' numbers to describe non-wool products and wool blends for several reasons. The Wool Act and Rules apply to products containing wool or purporting to contain wool. Therefore, if the use of a ''Super'' or ''S'' number describing a product falsely implies that the product contains wool, the Act and Rules apply and the use of the ''Super'' or ''S'' numbers on the label would violate them. The Commission lacks sufficient information, however, to conclude that the mere use of a ''Super'' or ''S'' number implies that a product contains wool. Moreover, even if the Wool Act and Rules do not apply to a suit or other garment described using ''Super'' or ''S'' numbers, the Textile Act and Rules would still require disclosure of the product's fiber content. Thus a consumer could check the label to determine the actual fiber content. The record does not suggest that disclosure of the product's fiber content fails to correct potential deception regarding use of ''Super'' or ''S'' numbers. Thus amendments to the Wool Rules are not warranted.

The Commission also lacks authority to prohibit the use of ''Super'' or ''S'' numbers where the wool fiber of a wool

[24] The Commission also amends § 300.3(a)(1) of the Rules to correct a citation to the Wool Act.

[25] 78 FR 29263 (May 20, 2013).

[26] 15 U.S.C. 68d(a).

[27] The Commission recently amended several provisions of the Textile Rules that the Wool Rules incorporate. For example, § 300.8(b) of the Wool Rules incorporates by reference the generic names and definitions for manufactured fibers in § 303.7 of the Textile Rules, including the names and definitions in the International Organization for Standardization (''ISO'') standard titled ''Textiles—Man-made fibres—Generic names,'' 2076:1999(E). The ISO standard has been updated and is now identified as ISO 2076: 2010(E). The Commission amended § 303.7 to incorporate the revised ISO standard. *See* 79 FR 18766 (Apr. 4, 2014). AAFA, IWTO, and Australia favored incorporation of the revised ISO standard. None of the comments opposed it.

[28] *See* 15 U.S.C. 68b(a)(6). The Act provides, however, that the average fiber diameter may be subject to a coefficient of variation around the mean that shall not exceed 24 percent. *Id.*

[29] The incorporated language appears as new paragraph (a). The Commission also redesignates the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively, with a conforming change to newly redesignated paragraph (b) to cross-reference the definition of ''cashmere'' in new paragraph (a).

[30] Joint comment and Trumbull.

[31] *See* 15 U.S.C. 68b(a)(5)(A)–(R).

[32] *See* 15 U.S.C. 68b(a)(5).

[33] The Commission also declines to conduct a workshop or a consumer perception study of ''Super'' and ''S'' numbers at this time. The Commission currently lacks sufficient evidence of deception to justify such a workshop or study.

blend product meets the ''Super'' or ''S'' criteria in the Act. As the Commission explained in the NPRM, the Conforming Act precisely defines the various categories of superfine wool fibers without distinguishing between pure wool fabrics and fabrics containing wool and other fibers. For example, the Act allows marketers to describe a wool product, which may include fibers other than wool, as ''Super 80's'' or ''80's'' where the diameter of the wool fiber averages 19.75 microns or finer, regardless of whether the fabric is 100% wool.

Of course, the use of ''Super'' or ''S'' numbers to deceptively describe the fiber content of a wool product could result in ''misbranding'' under the Wool Act, which provides that a wool product is misbranded if it is deceptively stamped, tagged, labeled, or otherwise identified.[34] The Rules further require that non-required information on labels, including ''Super'' or ''S'' numbers to indicate the fineness of the wool fibers in the wool product, ''shall not minimize, detract from, or conflict with required information and shall not be false, deceptive, or misleading.'' [35] However, none of the commenters provided evidence that would support limiting the use of ''Super'' or ''S'' numbers or to require disclosures to prevent consumer deception.

In addition, the Commission declines to amend the Rules to address wool fibers of differing fineness used in the warp and filling yarns of a fabric.[36] The Joint comment urged the Commission to address how to determine ''Super'' or ''S'' numbers where the diameter of the warp yarns differ from the diameter of the filling yarns, and noted that many industry members average the diameter of the fibers to determine the fineness. The record does not include any evidence regarding consumer understanding of ''Super'' or ''S'' numbers in this context. Moreover, the Commission does not currently have reason to believe that the practice of averaging the diameter of warp and filling yarns to determine overall fineness is deceptive. Of course, the Commission could challenge the practice if it obtains evidence of deception in a particular case.

2. Clarification of § 300.20 on ''Virgin'' or ''New'' Wool

The Commission proposed amending § 300.20 so that it states that the terms ''virgin'' or ''new'' shall not be used when the product, fiber or part so described is not composed wholly of new or virgin fiber. None of the comments opposed this proposal, which involves a non-substantive clarification of the provision. The Commission recently adopted a similar amendment to the Textile Rules.[37] Accordingly, the Commission adopts this amendment without change for the reasons explained in the NPRM.

3. Disclosure Requirements Applicable To Hang-Tags

The Commission amends §§ 300.8(d) and 300.24(b) as proposed to allow certain hang-tags with fiber trademarks and performance information, even if they do not disclose the product's full fiber content. The Commission recently adopted a similar amendment to the Textile Rules.[38] IWTO supported the proposal and Australia had no concerns. AAFA and USFIA generally supported the proposal, but expressed concerns. None of the remaining four comments addressed the proposal.

AAFA and USFIA raised concerns about the proposed requirement that hang-tags for products with multiple fiber types disclose clearly and conspicuously that the hang-tag does not provide the product's full fiber content. AAFA questioned whether the disclosure is necessary, and sought clarification regarding how companies should make the disclosure clearly and conspicuously. USFIA explained that, in practice, all hang-tags will have to make the disclosure because suppliers will not know in advance whether the product contains other fibers. It suggested requiring the disclosure only where there is a demonstrable danger of deception, such as a circumstance where the product contains only a small amount of the fiber described in the hang-tag.

Accordingly, the Commission adopts the amendment to allow hang-tags that do not disclose full fiber content, which was unopposed, for two reasons. First, requiring full fiber percentages on hang-tags is redundant because the Rules mandate this information on the required textile label. Second, the requirement likely impedes the flow of truthful information to consumers because it effectively prevents suppliers and other marketers from identifying fibers and describing their performance on a hang-tag unless they know the full fiber content of the finished product.

Although AAFA and USFIA questioned the need for a disclosure on at least some hang-tags that do not disclose full fiber content, neither submitted any evidence regarding how consumers would interpret such hang-tags. The Commission continues to believe that, without the disclosure, some consumers would mistakenly assume that the hang-tag discloses full fiber content. Such consumers would have no reason to search for and examine the label disclosing full fiber content if the hang-tag leads them to believe that the product does not contain fibers other than those touted on the hang-tag. The Commission plans to provide informal guidance on how to make the disclosure clearly and conspicuously through its business education materials and by providing staff advice.

B. Additional Proposed Amendments To Align Wool and Textile Rules

The Commission amends the Wool Rules as proposed to conform the country of origin disclosures and provisions discussing ''invoice or other paper'' with the recently amended Textile Rules. The Commission also declines to adopt its proposed amendment regarding the duration of continuing guaranties, which will conform the Wool Rules to the recently amended Textile Rules, because the Commission lacks sufficient evidence to conclude that any benefits of the amendment would exceed the costs. Again, aligning the two Rules will serve the public interest by reducing compliance burdens and making fiber content disclosures more consistent.

1. Country-of-Origin Disclosures

To promote consistency with the Textile Rules, the Commission proposed to update § 300.25(d) to state that an imported product's country of origin as determined under the laws and regulations enforced by U.S. Customs and Border Protection (''Customs'') shall be the country where the product was processed or manufactured. The Commission also proposed to update § 300.25(f) by removing the outdated reference to the Treasury Department and instead referencing any Tariff Act and the regulations promulgated thereunder.

AAFA and USFIA supported this proposal, and Australia had no objection to it. None of the four remaining comments addressed it. Accordingly, the Commission adopts this amendment for the reasons explained in the NPRM.

2. Invoice or Other Paper

To conform the Wool Rules to the amended Textile Rules, the Commission

[34] 15 U.S.C. 68b(a)(1).

[35] 16 CFR 300.10(b).

[36] In fabric, the warp yarns run vertically or lengthwise, while the weft or filling yarns run horizontally or crosswise.

[37] *See* 79 FR 18766 (Apr. 4, 2014).

[38] *Id.*

adopts its proposed revisions of the definition of ''invoice or other paper'' and the guaranty provisions that reference this term—300.1(j), 300.32(a), and 300.33(c). Furthermore, the Commission's amendments to the Textile Rules pertaining to guaranties and documents transmitted and preserved electronically affect the Wool Rules because the Wool Rules incorporate those sections by reference.

The Commission proposed amending the definition of ''invoice or other paper'' in Wool Rules § 300.1(j) by changing it to ''invoice or other document.'' The Commission also proposed amending §§ 300.32(a) and 300.33(c), which relate to guaranties, to replace ''invoice or other paper'' with ''invoice or other document'' where these terms appear. These amendments clarify the fact that the Rules apply to electronic as well as paper documents. Finally, § 300.1(j), which defines the above terms, currently incorporates the definition in § 303.1(h) of the Textile Rules and would continue to do so. The Commission recently amended the definition in Textile Rules § 303.1(h) to clarify that invoices and other documents may be preserved electronically. None of the comments addressed these issues. Accordingly, the Commission adopts these amendments for the reasons explained in the NPRM.

3. Continuing Guaranties

As in the final Textile Rules, the Commission declines to amend the duration of continuing guaranties in § 300.33(a)(3).[39] Furthermore, although the Commission is not amending the Wool Rules to revise the continuing guaranty form, it recently amended the Textile Rules form (FTC Form 31–A) referenced by § 300.33 of the Wool Rules by replacing the requirement that filers sign under penalty of perjury with a certification requirement. Because the form set forth in the Textile Rules is also used for Wool guaranties, this amendment to the Textile Rules automatically revised the Wool Rules continuing guaranty form by incorporation.

The Commission proposed amending § 300.33(a)(3) to provide that continuing guaranties remain in effect for one year unless revoked earlier.[40] AAFA strongly opposed this proposal. None of the other comments addressed it. Specifically, AAFA disputed the Commission's assertion that requiring annual renewal of continuing guaranties would impose minimal costs on industry. One AAFA member company reported spending five to eight hours on each continuing guaranty that it files. AAFA explained that most companies file dozens of continuing guaranties and many file hundreds. As a result, AAFA argued, the requirement may be unmanageable for many companies. AAFA also noted that filing guaranties is not the only relevant cost. It stated that vendors face a ''clerical nightmare of keeping up with the guaranties,'' and buyers have difficulty obtaining guaranties from the Commission in a timely fashion.[41]

As noted above, the Commission decided not to adopt a similar amendment to the Textile Rules. As was the case for the Textile Rules, the Commission lacks sufficient evidence to conclude that annual renewal would increase the reliability of continuing guaranties. Assuming, *arguendo,* that the requirement would increase the reliability of continuing guaranties, the Commission lacks sufficient evidence to conclude that the benefits of imposing this requirement would exceed the costs. Accordingly, the Commission has decided not to adopt the proposed amendment.

The Commission amended § 303.38(b) of the Textile Rules to modify the continuing guaranty form by replacing the requirement that sellers sign under penalty of perjury with a requirement that they certify that they will actively monitor and ensure compliance with the applicable Act and Rules (the Textile, Wool, and/or Fur Acts).[42] Because § 300.33(b) of the Wool Rules incorporates this form, this amendment effectively revised the Wool Rules.[43]

One comment addressed this certification requirement. It supported the requirement, but opposed dropping the requirement that guarantors sign under penalty of perjury.[44] It argued that doing so would dilute confidence in guaranties. It stated that the certification would not be as reliable or as well understood as signing under penalty of perjury, and that by its own terms it does not apply to the initial product submission. The Commission disagrees with the statement that the certification does not apply to an initial product submission. The certification states that the guarantor ''guarantees that any wool product it sells, ships, or delivers will not be misbranded.'' Any wool product means all wool products, regardless of the date of sale or shipment.

Nonetheless, the Commission continues to share the commenter's concern about the reliability of continuing guaranties once guarantors no longer sign them under penalty of perjury. If the Commission obtains evidence that continuing guaranties have become less reliable, it will revisit this issue and consider amending the Rules' continuing guaranty provisions accordingly.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'')[45] requires that the Commission conduct an initial and final analysis of the anticipated economic impact of the amendments on small entities. Section 605 of the RFA[46] provides that such an analysis is not required if the agency head certifies that the regulatory action will not have a significant economic impact on a substantial number of small entities.

The Commission believes that the amendments will not have a significant economic impact upon small entities that manufacture or import wool products, although they may affect a substantial number of small businesses. The amendments conform the Rules to the Wool Act as amended by the Conforming Act, clarify the Rules, provide more options for disclosing fiber trademarks and performance information on hang-tags, and update the Rules' guaranty provisions. Therefore, the Commission certifies that amending the Rules will not have a

[39] *See* 79 FR 18766 at 18768–18769 (Apr. 4, 2014). In addition, § 300.33(b) states that the continuing guaranty form is found in § 303.38(b) of the Textile Rules.

[40] The Wool Act provides that a business can avoid liability for selling a misbranded wool product if it in good faith receives a guaranty from a domestic supplier that the product is not misbranded. 15 U.S.C. 68g. One form of such guaranty is a continuing guaranty. These guaranties are set forth in a form filed with the Commission stating that the supplier guarantees that none of the wool products it handles are misbranded under the Wool Act and Rules. Like § 303.38(a)(2) of the Textile Rules, § 300.33(a)(3) of the Wool Rules provides that guaranties filed with the Commission continue in effect until revoked.

[41] The Commission strives to process such requests promptly. Unfortunately, the Commission cannot respond to this complaint because AAFA did not identify the guaranties at issue or the dates that its members requested assistance.

[42] The certification provides: ''Under the Wool Products Labeling Act (15 U.S.C. 68–68j): The company named above, which manufactures, markets, or handles wool products: (1) Guarantees that any wool product it sells, ships, or delivers will not be misbranded; (2) acknowledges that furnishing a false guaranty is an unlawful unfair and deceptive act or practice pursuant to the Federal Trade Commission Act; and (3) certifies that it will actively monitor and ensure compliance with the Wool Products Labeling Act and rules and regulations issued under the Act during the duration of the guaranty.'' *See* 79 FR 18766 at 18773 (Apr. 4, 2014).

[43] *Id.* The Commission also revised the form to include similar certifications for products subject to the Textile Act and the Fur Products Labeling Act. 15 U.S.C. 69–69k.

[44] Casale.

[45] 5 U.S.C. 601–612

[46] 5 U.S.C. 605.

significant economic impact on a substantial number of small businesses. The Commission has nonetheless determined that it is appropriate to publish the following final regulatory flexibility analysis in order to ensure that the impact of the Rules on small entities is fully addressed.

A. Need for and Objective of the Amendments

The objective of the amendments is to conform the Rules to the Wool Act as amended by the Conforming Act; clarify the Rules; allow manufacturers and importers to disclose fiber trademarks and information about fiber performance on certain hang-tags affixed to wool products without including the product's full fiber content information on the hang-tag; and clarify and update the Rules' guaranty provisions. The Wool Act authorizes the Commission to implement its requirements through the issuance of rules.

B. Significant Issues Raised in Public Comments

In the NPRM's Initial Regulatory Flexibility Analysis, the Commission concluded that the proposed amendments would not have a significant or disproportionate economic impact upon small entities that manufacture or import wool products, including their compliance costs. None of the comments disputed the Initial Regulatory Flexibility Analysis, with the exception of one comment from AAFA objecting to the proposal to amend § 300.33(a)(3) to provide that continuing guaranties are effective for one year unless revoked earlier. AAFA questioned the Commission's assertion that the proposed amendment would enhance the reliability of guaranties and contended that it would impose substantial unnecessary costs on industry. For the reasons explained above, the Commission has decided not to adopt this proposal. The Commission did not receive any comments from the Small Business Administration.

C. Small Entities to Which the Amendments Will Apply

The Rules apply to various segments of the wool product industry, including manufacturers and wholesalers of wool products. Under the Small Business Size Standards issued by the Small Business Administration, wool apparel manufacturers qualify as small businesses if they have 500 or fewer employees. Clothing wholesalers qualify as small businesses if they have 100 or fewer employees.

The Commission's staff has estimated that approximately 8,000 wool product manufacturers and importers are covered by the Rules' disclosure requirements.[47] A substantial number of these entities likely qualify as small businesses. The Commission estimates that the amendments will not have a significant impact on small businesses because they have an existing obligation to comply with statutory labeling requirements, and the amendments provide covered entities with additional labeling options without imposing new burdens or additional costs. For example, businesses that prefer not to affix a hang-tag disclosing a fiber trademark without disclosing the product's full fiber content need not do so. The change from ''invoice or other paper'' to ''invoice or other document'' makes the affected sections of the Rules format-neutral and gives covered entities, including small businesses, more flexibility in terms of compliance.

D. Projected Reporting, Recordkeeping, and Other Compliance Requirements, Including Classes of Covered Small Entities and Professional Skills Needed To Comply

As noted earlier, the amendments conform the Rules to the Wool Act as amended by the Conforming Act, clarify the Rules, provide more options for disclosing fiber trademarks and performance information on hang-tags, and update the Rules' guaranty provisions. They do not impose any new reporting, recordkeeping, or disclosure requirements. The small entities potentially covered by the amendments will include all such entities subject to the Rules. The professional skills necessary for compliance with the Rules as modified by the amendments would include office and administrative support supervisors to determine label content and clerical personnel to draft and obtain labels and keep records.

E. Significant Alternatives to the Amendments

The Commission has not proposed any specific small entity exemption or other significant alternatives, as the amendments simply conform the Rules to the Wool Act as amended by the Conforming Act; clarify the Rules; allow manufacturers and importers to disclose fiber trademarks and information about fiber performance on certain hang-tags affixed to wool products without including the product's full fiber content information on the hang-tag; and clarify and update the Rules' guaranty provisions. The amendment relating to hang-tags will allow greater compliance flexibility, and might reduce the cost of providing consumers with truthful, non-deceptive information about fiber content and performance. Under these limited circumstances, the Commission does not believe a special exemption for small entities or significant compliance alternatives are necessary or appropriate to minimize the compliance burden, if any, on small entities while achieving the intended purposes of the amendments.

V. Paperwork Reduction Act

The Rules contain various ''collection of information'' (*e.g.,* disclosure and recordkeeping) requirements for which the Commission has obtained OMB clearance under the Paperwork Reduction Act (''PRA'').[48] As discussed above, the amendments: (a) Conform the Rules to the Wool Act as amended by the Conforming Act by revising § 300.19 and adding § 300.20a; (b) clarify the Rules, including §§ 300.1(j), 300.20, 300.25(d) and (f), 300.32(a), and 300.33(c); and (c) amend §§ 300.8(d) and 300.24(b) to allow manufacturers and importers to disclose fiber generic names and trademarks and information about fiber performance on certain hang-tags affixed to wool products without including the product's full fiber content information on the hang-tag.

These amendments do not impose any additional collection of information requirements. For example, amending the Rules to conform to the Wool Act, as amended by the Conforming Act, would not impose any new requirements because businesses already must comply with the Wool Act. Businesses that prefer not to affix a hang-tag disclosing a fiber name or trademark without disclosing the product's full fiber content need not do so.

Rule Language

List of Subjects in 16 CFR Part 300

Labeling, Trade practices, Wool Products Labeling Act.

For the reasons set forth above, the Commission amends 16 CFR Part 300 as follows:

[47] *Federal Trade Commission: Agency Information Collection Activities; Proposed Collection; Comment Request,* 76 FR 77230 (Dec. 12, 2011).

[48] 44 U.S.C. 3501 *et seq.* On March 26, 2012, OMB granted clearance through March 31, 2015, for these requirements and the associated PRA burden estimates. The OMB control number is 3084–0100.

PART 300—RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

■ 1. Revise the authority citation for Part 300 to read as follows:

Authority: 15 U.S.C. 68–68j.

■ 2. Amend § 300.1 by revising paragraphs (a) and (j) to read as follows:

§ 300.1 Terms defined.

(a) The term *Act* means the Wool Products Labeling Act of 1939, 15 U.S.C. 68 *et seq.,* as amended by Public Law 96–242, 94 Stat. 344, and Public Law 109–428, 120 Stat. 2913.

* * * * *

(j) The terms *invoice* and *invoice or other document* have the meaning set forth in § 303.1(h) of this chapter.

* * * * *

■ 3. Amend § 300.3 by revising paragraph (a)(1) to read as follows:

§ 300.3 Required label information.

(a) * * *

(1) The fiber content of the product specified in section 4(a)(2)(A) of the Act. The generic names and percentages by weight of the constituent fibers present in the wool product, exclusive of permissive ornamentation, shall appear on such label with any percentage of fiber or fibers designated as ''other fiber'' or ''other fibers'' as provided by section 4(a)(2)(A)(4) of the Act appearing last.

* * * * *

■ 4. Amend § 300.8 by revising paragraph (d) to read as follows:

§ 300.8 Use of fiber trademark and generic names.

* * * * *

(d) Where a generic name or a fiber trademark is used on any label, whether required or non-required, a full fiber content disclosure with percentages shall be made in accordance with the Act and regulations. Where a generic name or a fiber trademark is used on any hang-tag attached to a wool product that has a label providing required information and the hang-tag provides non-required information, such as a hang-tag stating only a generic fiber name or trademark or providing information about a particular fiber's characteristics, the hang-tag need not provide a full fiber content disclosure; however, if the wool product contains any fiber other than the fiber identified by the generic fiber name or trademark, the hang-tag must disclose clearly and conspicuously that it does not provide the product's full fiber content; for example:

''This tag does not disclose the product's full fiber content.'' or

''See label for the product's full fiber content.''

* * * * *

■ 5. Revise § 300.19 to read as follows:

§ 300.19 Use of terms ''mohair'' and ''cashmere.''

(a)(1) In setting forth the required fiber content of a wool product, the term ''cashmere'' may be used for such fiber content only if:

(i) Such fiber consists of the fine (dehaired) undercoat fibers produced by a cashmere goat (capra hircus laniger);

(ii) The average diameter of such cashmere fiber does not exceed 19 microns; and

(iii) The cashmere fibers in such wool product contain no more than 3 percent (by weight) of cashmere fibers with average diameters that exceed 30 microns.

(2) The average fiber diameter may be subject to a coefficient of variation around the mean that shall not exceed 24 percent.

(b) In setting forth the required fiber content of a product containing hair of the Angora goat known as mohair or containing cashmere (as defined in paragraph (a) of this section), the term ''mohair'' or ''cashmere,'' respectively, may be used for such fiber in lieu of the word ''wool,'' provided the respective percentage of each such fiber designated as ''mohair'' or ''cashmere'' is given, and provided further that such term ''mohair'' or ''cashmere'' where used is qualified by the word ''recycled'' when the fiber referred to is ''recycled wool'' as defined in the Act. The following are examples of fiber content designations permitted under this section:

50% mohair-50% wool
60% recycled mohair-40% cashmere
60% cotton-40% recycled cashmere

(c) Where an election is made to use the term ''mohair'' or ''cashmere'' in lieu of the term ''wool'' as permitted by this section, the appropriate designation of ''mohair'' or ''cashmere'' shall be used at any time reference is made to such fiber in either required or nonrequired information. The term ''mohair'' or ''cashmere'' or any words, coined words, symbols or depictions connoting or implying the presence of such fibers shall not be used in non-required information on the required label or on any secondary or auxiliary label attached to the wool product if the term ''mohair'' or ''cashmere,'' as the case may be, does not appear in the required fiber content disclosure.

■ 6. Revise § 300.20 to read as follows:

§ 300.20 Use of the terms ''virgin'' or ''new.''

The terms ''virgin'' or ''new'' as descriptive of a wool product, or any fiber or part thereof, shall not be used when the product, fiber or part so described is not composed wholly of new or virgin fiber which has never been reclaimed from any spun, woven, knitted, felted, braided, bonded, or otherwise manufactured or used product.

■ 7. Add § 300.20a to read as follows:

§ 300.20a Labeling of very fine wool.

A wool product stamped, tagged, labeled, or otherwise identified in the manner described below is mislabeled:

(a) ''Super 80's'' or ''80's,'' if the average diameter of wool fiber of such wool product does not average 19.75 microns or finer;

(b) ''Super 90's'' or ''90's,'' if the average diameter of wool fiber of such wool product does not average 19.25 microns or finer;

(c) ''Super 100's'' or ''100's,'' if the average diameter of wool fiber of such wool product does not average 18.75 microns or finer;

(d) ''Super 110's'' or ''110's,'' if the average diameter of wool fiber of such wool product does not average 18.25 microns or finer;

(e) ''Super 120's'' or ''120's,'' if the average diameter of wool fiber of such wool product does not average 17.75 microns or finer;

(f) ''Super 130's'' or ''130's,'' if the average diameter of wool fiber of such wool product does not average 17.25 microns or finer;

(g) ''Super 140's'' or ''140's,'' if the average diameter of wool fiber of such wool product does not average 16.75 microns or finer;

(h) ''Super 150's'' or ''150's,'' if the average diameter of wool fiber of such wool product does not average 16.25 microns or finer;

(i) ''Super 160's'' or ''160's,'' if the average diameter of wool fiber of such wool product does not average 15.75 microns or finer;

(j) ''Super 170's'' or ''170's,'' if the average diameter of wool fiber of such wool product does not average 15.25 microns or finer;

(k) ''Super 180's'' or ''180's,'' if the average diameter of wool fiber of such wool product does not average 14.75 microns or finer;

(*l*) ''Super 190's'' or ''190's,'' if the average diameter of wool fiber of such wool product does not average 14.25 microns or finer;

(m) ''Super 200's'' or ''200's,'' if the average diameter of wool fiber of such wool product does not average 13.75 microns or finer;

(n) ''Super 210's'' or ''210's,'' if the average diameter of wool fiber of such wool product does not average 13.25 microns or finer;

(o) ''Super 220's'' or ''220's,'' if the average diameter of wool fiber of such wool product does not average 12.75 microns or finer;

(p) ''Super 230's'' or ''230's,'' if the average diameter of wool fiber of such wool product does not average 12.25 microns or finer;

(q) ''Super 240's'' or ''240's,'' if the average diameter of wool fiber of such wool product does not average 11.75 microns or finer; and

(r) ''Super 250's'' or ''250's,'' if the average diameter of wool fiber of such wool product does not average 11.25 microns or finer.

■ 8. Amend § 300.24 by revising paragraph (b) to read as follows:

§ 300.24 Representations as to fiber content.

* * * * *

(b) Where a word, coined word, symbol, or depiction which connotes or implies the presence of a fiber is used on any label, whether required or non-required, a full fiber content disclosure with percentages shall be made on such label in accordance with the Act and regulations. Where a word, coined word, symbol, or depiction which connotes or implies the presence of a fiber is used on any hang-tag attached to a wool product that has a label providing required information and the hang-tag provides non-required information, such as a hang-tag providing information about a particular fiber's characteristics, the hang-tag need not provide a full fiber content disclosure; however, if the wool product contains any fiber other than the fiber identified on the hang-tag, the hang-tag must disclose clearly and conspicuously that it does not provide the product's full fiber content; for example:

''This tag does not disclose the product's full fiber content.'' or

''See label for the product's full fiber content.''

■ 9. Amend § 300.25 by revising paragraphs (d) and (f) to read as follows:

§ 300.25 Country where wool products are processed or manufactured.

* * * * *

(d) The country of origin of an imported wool product as determined under the laws and regulations enforced by United States Customs and Border Protection shall be considered to be the country where such wool product was processed or manufactured.

* * * * *

(f) Nothing in this rule shall be construed as limiting in any way the information required to be disclosed on labels under the provisions of any Tariff Act of the United States or regulations promulgated thereunder.

■ 10. Revise § 300.32 to read as follows:

§ 300.32 Form of separate guaranty.

(a) The following are suggested forms of separate guaranties under section 9 of the Act which may be used by a guarantor residing in the United States on or as part of an invoice or other document relating to the marketing or handling of any wool products listed and designated therein and showing the date of such invoice or other document and the signature and address of the guarantor:

(1) *General form.*

''We guarantee that the wool products specified herein are not misbranded under the provisions of the Wool Products Labeling Act and rules and regulations thereunder.''

(2) *Guaranty based on guaranty.*

''Based upon a guaranty received, we guarantee that the wool products specified herein are not misbranded under the provisions of the Wool Products Labeling Act and rules and regulations thereunder.''

Note to paragraph (a): The printed name and address on the invoice or other document will suffice to meet the signature and address requirements.

(b) The mere disclosure of required information including the fiber content of wool products on a label or on an invoice or other document relating to its marketing or handling shall not be considered a form of separate guaranty.

■ 11. Amend § 300.33 by revising paragraph (c) to read as follows:

§ 300.33 Continuing guaranty filed with Federal Trade Commission.

* * * * *

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective dates of the guaranty, give notice of such fact by setting forth on the invoice or other document covering the marketing or handling of the product guaranteed the following:

Continuing Guaranty under the Wool Products Labeling Act filed with the Federal Trade Commission.

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2014–12736 Filed 6–3–14; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2014–0097]

RIN 1625–AA08

Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the Atlantic Intracoastal Waterway in Bucksport, South Carolina during the Outboard Drag Boat Association (ODBA) Draggin' on the Waccamaw, a series of high-speed boat races. The event will take place on Saturday, June 21, 2014 and Sunday, June 22, 2014. Approximately 50 high-speed race boats are anticipated to participate in the races. This special local regulation is necessary to provide for the safety of life and property on navigable waters of the United States during the event. This special local regulation will temporarily restrict vessel traffic in a portion of the Atlantic Intracoastal Waterway. Persons and vessels that are not participating in the races will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective from 11:00 a.m. on June 21, 2014 until 8:00 p.m. on June 22, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0097. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email

christopher.l.ruleman@uscg.mil. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

On March 26, 2014, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intercoastal Waterway, Bucksport, SC in the **Federal Register** (79 FR 16704). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life and property on navigable waters of the United States during the ODBA Draggin' on the Waccamaw boat races.

C. Discussion of Rule

On Saturday, June 21, 2014, and Sunday, June 22, 2014, the Outboard Drag Boat Association (ODBA) will host Draggin' on the Waccamaw, a series of high-speed boat races. The event will be held on a portion of the Atlantic Intracoastal Waterway in Bucksport, South Carolina. Approximately 50 high-speed race boats are anticipated to participate in the races.

The special local regulation encompasses certain waters of the Atlantic Intracoastal Waterway in Bucksport, South Carolina. The special local regulation will be enforced daily from 11:00 a.m. until 8:00 p.m. on June 21, 2014 and June 22, 2014. The special local regulation consists of a regulated area around vessels participating in the event. The regulated area is as follows: All waters of the Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39′11.46″ N 079°05′36.78″ W; thence west to point 2 in position 33°39′12.18″ N 079°05′47.76″ W; thence south to point 3 in position 33°38′39.48″ N 079°05′37.44″ W; thence east to point 4 in position 33°38′42.3″ N 079°05′30.6″ W; thence north back to origin. All coordinates are North American Datum 1983. Persons and vessels that are not participating in the event are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless specifically authorized by the Captain of the Port Charleston or a designated representative. Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

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

The economic impact of this rule is not anticipated to be significant for the following reasons: (1) Although persons and vessels will not be able to enter, transit through, anchor in, or remain within the race area without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the effective period; (2) persons and vessels may still enter, transit through, anchor in, or remain within the race area if authorized by the Captain of the Port Charleston or a designated representative; and (3) advance notification will be made to the local maritime community via 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 may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion that portion of the Atlantic Intracoastal Waterway encompassed within the regulated area from 11:00 a.m. until 8:00 p.m. on June 21, 2014 and June 22, 2014. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 calls 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 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 INTFORMATION 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 affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. An environmental analysis checklist and a Categorical Exclusion Determination were completed for this event in previous years. Since this event has remained materially unchanged from the time of the prior determinations, a new environmental analysis checklist and Categorical Exclusion Determination were not completed for 2014. The previously completed environmental analysis checklist and Categorical Exclusion Determination can be found in docket folder for USCG–2013–0102 at *www.regulations.gov.* This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.T07–0097 to read as follows:

§ 100.T07–0097 Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway, Bucksport, SC.

(a) *Regulated Area.* The following regulated area is established as a special local regulation: All waters of the Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39′11.46″ N, 079°05′36.78″ W; thence west to point 2 in position 33°39′12.18″ N, 079°05′47.76″ W; thence south to point 3 in position 33°38′39.48″ N, 079°05′37.44″ W; thence east to point 4 in position 33°38′42.3″ N, 079°05′30.6″ W; thence north back to origin. All coordinates are North American Datum 1983.

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

(c) *Regulations.*

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

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

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

(d) *Enforcement Date.* This rule will be enforced daily from 11:00 a.m. until 8:00 p.m. on June 21, 2014 and June 22, 2014.

Dated: May 20, 2014.

R.R. Rodriguez,

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

[FR Doc. 2014–12986 Filed 6–3–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0307]

RIN 1625–AA00

Safety Zone: Village West Marina 4th of July Fireworks Display, Fourteenmile Slough, Stockton, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of Fourteenmile Slough near Stockton, CA in support of the Village West Marina 4th of July Fireworks Display on July 4, 2014. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with the pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective on July 4, 2014. This rule will be enforced from 9 p.m. to 10 p.m. on July 4, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0307. 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 Lieutenant Junior Grade Joshua Dykman, U.S. Coast Guard Sector San Francisco; telephone (415) 399–3585 or email at *D11-PF-MarineEvents@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(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**. The Coast Guard received the information about the fireworks display on April 10, 2014, and the fireworks display would occur before the rulemaking process would be completed. 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.

B. 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.

Village West Marina will sponsor the Village West Marina 4th of July Fireworks Display on July 4, 2014, in Wright Tract over Fourteenmile Slough near Stockton, CA in approximate position 38°00′08″ N, 121°22′17″ W (NAD 83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18663. Upon the commencement of the fireworks display, the safety zone will encompass the navigable waters around 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.

C. Discussion of the Final Rule

The Coast Guard will enforce a safety zone in navigable waters around the land based launch site in Wright Tract over Fourteenmile Slough near Stockton, CA. Upon the commencement of the 20 minute fireworks display, scheduled to begin at 9 p.m. on July 4, 2014, the safety zone will encompass the navigable waters around the fireworks launch site within a radius 420 feet from approximate position 38°00′08″ N, 121°22′17″ W (NAD 83) for the Village West Marina 4th of July 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.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of 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 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 Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect 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.

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 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, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 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 temporary § 165.T11–633 to read as follows:

§ 165.T11–633 Safety zone; Village West Marina 4th of July Fireworks Display, Fourteenmile Slough, Stockton, CA.

(a) *Location.* This temporary safety zone is established for the navigable waters of Fourteenmile Slough near Stockton, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18663. The temporary safety zone will encompass the navigable waters around the fireworks launch site in approximate position 38°00′08″ N, 121°22′17″ 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 10 p.m. on July 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: May 15, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–12987 Filed 6–3–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0384; FRL–9911–17]

Imazapic; Pesticide Tolerances; Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical correction.

SUMMARY: EPA issued a final rule in the **Federal Register** of August 16, 2013, concerning the establishment of a tolerance for imazapic in or on sugarcane, cane. This document is being issued to correct the codified section by including a footnote under the table in paragraph (a)(1) to denote that there are no U.S. registrations for the commodity sugarcane, cane.

DATES: This final rule correction is effective June 4, 2014.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0384, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

The Agency included in the August 16, 2013 final rule a list of those who may be potentially affected by this action.

II. What does this technical correction do?

EPA issued a final rule in the **Federal Register** of August 16, 2013 (78 FR 49927) (FRL–9394–8) that established a tolerance for residues of the herbicide imazapic in or on the commodity sugarcane, cane. EPA inadvertently omitted the footnote ''There are no US registrations as of August 16, 2013.'' in the tolerance table denoting that the established tolerance on sugarcane, cane is an import tolerance only.

III. Why is this correction issued as a final rule?

Section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) provides that, when an Agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the Agency may issue a final rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this technical correction final without prior proposal and opportunity for comment, because the addition of a footnote to the tolerance table for the reason stated in Unit II, is not a significant change and does not affect the outcomes of the August 16, 2013 final rule. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

IV. Do any of the statutory and executive order reviews apply to this action?

All applicable statutory requirements were discussed in the final rule that was published on August 16, 2013.

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This final rule 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 28, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.490, amend the table in paragraph (a)(1) by revising the entry for ''Sugarcane, cane'' to read as follows:

§ 180.490 Imazapic; tolerances for residues.

(a) *General.* (1) * * *

Commodity	Parts per million
* * * * *	
Sugarcane, cane [2]	0.03
* * * * *	

[2] There are no U.S. registrations as of June 4, 2014.

* * * * *

[FR Doc. 2014–12939 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 18

Official Symbol, Logo, and Seal

AGENCY: Office of the Secretary, HHS.

ACTION: Direct final rule.

SUMMARY: The U.S. Department of Health and Human Services (HHS) published a direct final rule in the **Federal Register** on April 14, 2014, that would have adopted requirements on the use of HHS's official logo and seal. HHS stated in the direct final rule that if it received a significant adverse comment, HHS would publish a notice of withdrawal. HHS received two comments and considers at least one of these comments a significant adverse comment. The direct final rule was not withdrawn prior to its effective date. As a result, HHS is now publishing this removal of the direct final rule.

DATES: Effective June 4, 2014.

FOR FURTHER INFORMATION CONTACT: Gloria Barnes, Office of the Assistant Secretary for Public Affairs (*gloria.barnes@hhs.gov*).

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services (HHS) published a direct final rule in the **Federal Register** on April 14, 2014 (79 FR 20801) that would have adopted requirements on the use of HHS's official logo and seal. HHS stated in the direct final rule that if any significant adverse comment were received, HHS would publish a notice of withdrawal. HHS received two comments and considers at least one of these comments a significant adverse comment.

Due to time constraints, a notice of withdrawal was not published prior to the direct final rule going into effect. As a result, HHS is now publishing this removal of the direct final rule, deleting Part 18 from Title 45, Subtitle A, subchapter A of the Code of Federal Regulations. HHS believes that it is appropriate for this removal to become effective on the date of its publication, and that notice and comment in this instance is unnecessary.

Executive Order No. 12866

This rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, review by the Office of Management and Budget is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided by the Regulatory Flexibility Act, as amended, is not required.

List of Subjects in 45 CFR Part 18

Administrative practice and procedure, Logo and seal.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 3505 and 5 U.S.C. 301, HHS removes Part 18 to Title 45, Subtitle A, subchapter A of the Code of Federal Regulations.

PART 18—[REMOVED]

Dated: May 27, 2014.

Kathleen Sebelius,

Secretary.

[FR Doc. 2014–12852 Filed 6–3–14; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140117052–4402–02]

RIN 0648–XD298

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2014 commercial summer flounder quota to the Commonwealth of Virginia. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved. NMFS is also correcting the 2014 summer flounder quota for the State of New Jersey to account for quota transfers to date.

DATES: Effective May 30, 2014, through December 31, 2014.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, 978–281–9224.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.102.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Greater Atlantic Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

North Carolina has agreed to transfer 2,758 lb (1,251 kg) of its 2014 commercial quota to Virginia. This transfer was prompted by summer flounder landings of the F/V *Storm,* a North Carolina vessel that was granted safe harbor in Virginia due to mechanical failure on April 24, 2014, thereby requiring a quota transfer to account for an increase in Virginia's landings that would have otherwise accrued against the North Carolina quota. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met.

The revised 2014 summer flounder specifications that published on May 22, 2014 (79 FR 29371), did not include quota transfers. This rule will also update the 2014 summer flounder quota for New Jersey to take into account all quota transfers to date. The revised

summer flounder commercial quotas for calendar year 2014 are: Virginia, 2,388,012 lb (1,083,184 kg); North Carolina, 2,729,195 lb (1,237,942 kg); and New Jersey, 1,765,169 lb (800,667 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 30, 2014.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2014–12917 Filed 5–30–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 107
Wednesday, June 4, 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 THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID FFIEC–2014–0001]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. OP–1491]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCIES: Office of the Comptroller of the Currency (''OCC''), Treasury; Board of Governors of the Federal Reserve System (''Board''); and Federal Deposit Insurance Corporation (''FDIC'').

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The OCC, Board, and FDIC (''we'' or ''Agencies'') are conducting a review of the regulations we have issued to identify outdated, unnecessary, or unduly burdensome regulations for insured depository institutions. This review is required by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (''EGRPRA''). To facilitate this review, the Agencies have divided these regulations into 12 subject-matter categories and identified the regulations within each category. At regular intervals over the next two years, the Agencies will publish four **Federal Register** requests for comment. Each will address one or more categories. We will invite the public to identify the regulations in each category that they believe are outdated, unnecessary, or unduly burdensome for insured depository institutions and their regulated holding companies. This is the first of the four **Federal Register** requests for comment. In it, we are seeking comment on the regulations in the following three categories: Applications and Reporting, Powers and Activities, and International Operations. We will address the remaining nine categories in the three subsequent requests for comment. To aid the public, we also are publishing a chart that sets forth the rules addressed in this document, as well as those that we will address in the remaining three.

DATES: Written comments must be received no later than September 2, 2014.

ADDRESSES: Comments may be submitted through the Federal eRulemaking Portal: ''Regulations.gov.'' You can reach this portal through the Agencies' EGRPRA Web site, *http://egrpra.ffiec.gov.* On this site, click ''Submit a Comment'' and follow the instructions. Alternatively, go to *http://www.regulations.gov*, enter ''FFIEC–2014–0001'' in the Search Box, click ''Search,'' and click ''Comment Now.'' Those who wish to submit their comments by an alternate means may do so as indicated below.

OCC

We encourage commenters to submit comments through the Federal eRulemaking Portal, Regulations.gov, in accordance with the previous paragraph. Alternatively, comments may be emailed to *regs.comments@occ.treas.gov* or sent by mail to Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W–11, 400 7th Street SW., Washington, DC 20219. Comments also may be faxed to (571) 465–4326 or hand delivered or sent by courier to 400 7th Street SW., Washington, DC 20219. For comments submitted by any means other than Regulations.gov, you must include ''OCC'' as the agency name and ''Docket ID FFIEC–2014–0001'' in your comment.

In general, the OCC will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not include any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the OCC at 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect or photocopy comments. You may make an appointment by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

Board

We encourage commenters to submit comments regarding the Board's regulations by any of the following methods:

- Agency Web site*: http://www.federalreserve.gov/apps/foia/proposedregs.aspx.* Follow the instructions for submitting comments on the Agency Web site.
- Federal eRulemaking Portal, in accordance with the directions above.
- Email: *regs.comments@federalreserve.gov.* Include ''EGRPRA'' and Docket No. OP–1491 in the subject line of the message.
- FAX: (202) 452–3819.
- Mail: Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

In general, the Board will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not enclose any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the Board at 20th and Constitution Avenue NW., Washington, DC 20551. For

security reasons, the Board requires that visitors make an appointment to inspect comments. You may make an appointment by calling (202) 452–3000. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

FDIC

We encourage commenters to submit comments through the Federal eRulemaking Portal, ''Regulations.gov,'' in accordance with the directions above. Alternatively, you may submit comments by any of the following methods:

- Agency Web site: *http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- Email: *Comments@FDIC.gov.* Include ''EGRPRA'' in the subject line of the message.
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- Hand Delivery/Courier: Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m. (EST).

We will post all comments received to *http://www.fdic.gov/regulations/laws/federal* without change, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9 a.m. and 5 p.m. (EST) on business days. Paper copies of public comments may be ordered from the Public Information Center by calling (877) 275–3342.

FOR FURTHER INFORMATION CONTACT:

OCC: Karen McSweeney, Counsel (202) 649–6295; for persons who are deaf or hard of hearing, TTY (202) 649–5597.

Board: Walter McEwen, Senior Counsel (202) 452–3321; Claudia Von Pervieux, Counsel (202) 452–2552; Matthew Bornfreund, Attorney (202) 452–3818.

FDIC: Michelle M. Borzillo, Senior Counsel (703) 562–6083; Claude A. Rollin, Counsel (703) 562–6327; Ann Taylor, Counsel (202) 898–3573.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted section 2222 of EGRPRA [1] to minimize unnecessary government regulation consistent with safety and soundness, to promote consistency between the Agencies' regulations, and to support consumer protection. The statute requires that not less frequently than once every 10 years, the Federal Financial Institutions Examination Council (''FFIEC''),[2] along with the Agencies,[3] conduct a review of their regulations to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions. In conducting this review, the FFIEC or Agencies shall (a) categorize their regulations by type and (b) at regular intervals, provide notice and solicit public comment on categories of regulations, requesting commenters to identify areas of regulations that are outdated, unnecessary, or unduly burdensome.[4]

EGRPRA also requires the FFIEC or the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. It also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. Finally, the statute requires the FFIEC to submit to Congress a report that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues or whether these burdens must be addressed by legislative action.

II. The EGRPRA Review's Targeted Focus

The EGRPRA regulatory review provides an opportunity for the public and the Agencies to look at groups of related regulations and to identify opportunities for burden reduction. For example, the EGRPRA review may facilitate the identification of statutes and regulations that share similar goals or complementary methods where one or more Agencies could eliminate overlapping requirements. Alternatively, commenters may identify regulations or statutes that impose requirements that are no longer consistent with the way that business is conducted and that, therefore, the Agencies might eliminate.

The EGRPRA review also provides the Agencies and the public with an opportunity to consider how to reduce burden on community banks and other small, insured depository institutions or holding companies. We are keenly aware of the role that these institutions play in providing consumers and businesses across the nation with essential financial services and access to credit, and we are concerned about the impact of regulatory burden on these smaller institutions. We understand that when an Agency issues a new regulation or amends a current regulation, smaller institutions may have to devote considerable resources to determine if and how the regulation will affect them. Through the public comment process, the EGRPRA review can help the Agencies identify and target regulatory changes to reduce burden on these smaller institutions.

Burden reduction must, however, be compatible with the safety and soundness of insured depository institutions, their affiliates, and the financial system as a whole. It also must be consistent with the Agencies' statutory mandates, many of which require the issuance of regulations. EGRPRA recognizes that effective burden reduction may require legislative change. Accordingly, as part of this review, we specifically ask the public to comment on the relationship among burden reduction, regulatory requirements, and statutory mandates.

In addition, we note that the Agencies also consider regulatory burden each time we propose, adopt, or amend a rule. For example, under the Paperwork Reduction Act of 1995 and the Regulatory Flexibility Act, the Agencies assess each rulemaking with respect to the burdens the rule might impose. Furthermore, we invite the public to comment on every rule we propose, as

[1] Public Law 104–208 (1996), codified at 12 U.S.C. 3311.

[2] The FFIEC is an interagency body empowered to prescribe uniform principles, standards, and report forms for the Federal examination of financial institutions and to make recommendations to promote uniformity in the supervision of financial institutions. The FFIEC does not issue regulations that impose burden on financial institutions and, therefore, we have not separately captioned the FFIEC in this notice.

[3] The FFIEC is comprised of the OCC, Board, FDIC, National Credit Union Administration (''NCUA''), Consumer Financial Protection Bureau (''CFPB''), and State Liaison Committee. Of these, only the OCC, Board, and FDIC are statutorily required to undertake the EGRPRA review. The NCUA elected to participate in the first EGRPRA review ten years ago, and the NCUA Board again has elected to participate in this review process. Consistent with its approach during the first EGRPRA review, NCUA will separately issue notices and requests for comment on its rules. The CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect. *See* 12 U.S.C. 5512(d). This process is separate from the EGRPRA process.

[4] Insured depository institutions also are subject to regulations that are not required to be reviewed under the EGRPRA process. Examples include rules for which rulemaking authority has transferred to the CFPB and anti-money laundering regulations issued by the Department of the Treasury's Financial Crimes Enforcement Network, among others. If, during the EGRPRA process, the Agencies receive a comment about a regulation that is not subject to the EGRPRA review, we will forward that comment to the appropriate agency.

required by the Administrative Procedure Act (''APA'').

III. The EGRPRA Review Process

Taken together for purposes of EGRPRA, the Agencies' regulations covering insured depository institutions encompass more than 100 subjects.[5] Consistent with the EGRPRA statute, the Agencies have grouped these regulations into the following 12 regulatory categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection;[6] Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. To determine these categories, we divided the regulations by type and sought to have no category be too large or broad.

Over the next two years, the Agencies plan to publish four **Federal Register** notices, each addressing one or more categories of rules. Each **Federal Register** notice will have a 90-day comment period. Today, we are publishing the first of these four notices, addressing the following three categories of regulations: Applications and Reporting, Powers and Activities, and International Operations. We invite the public to identify outdated, unnecessary, or unduly burdensome regulatory requirements imposed on insured depository institutions and their holding companies in these three categories.

To assist the public's understanding of how we have organized the EGRPRA review, the Agencies have prepared a chart that lists the three categories of regulations for which we are currently requesting comments, as well as the remaining nine categories on which we will seek comment in the future. On the chart, the left column divides the categories into specific subject-matter areas. The headings at the top of the chart identify the types of institutions affected by the regulations.

After comments have been received, the Agencies will review the comments and decide whether further action is appropriate with respect to the regulations. The Agencies will make this decision jointly in the case of rules that we have issued on an interagency basis. Similarly, we will undertake any rulemaking to amend or repeal those rules on an interagency basis. For rules issued by a single agency, the issuing agency will review the comments received and independently determine whether amendments to or repeal of its rules are appropriate. If so, that Agency will initiate a rulemaking to effect such change. In all cases, the Agencies will provide the public with an opportunity to comment on any proposed amendment to or repeal of a regulation, as required by the APA.

IV. Request for Burden Reduction Comments on the First Three Categories of Regulations: Applications and Reporting, Powers and Activities, and International Operations

As noted previously, the Agencies are asking the public to comment on regulations in three specific categories to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions and their regulated holding companies. Where possible, we ask commenters to cite to specific regulatory language or provisions. We also welcome suggested alternative provisions or language in support of a comment, where appropriate. Where implementation of a suggestion would require modification of a statute, we ask the commenter to identify the statute and the needed change, where possible.

Comments on Application and Reporting rules for Federal savings associations. The Dodd-Frank Act transferred the rulewriting authority for Federal consumer financial laws to the CFPB (with some exceptions) and the rulewriting authority for all other Federal and state savings association and savings and loan holding company rules to the relevant Agency. Following this transfer, each Agency made its own decision about how to incorporate these former Office of Thrift Supervision (''OTS'') rules into its regulations. The OCC republished the former OTS rules at 12 CFR parts 100 through 197. As a result, in most cases, the OCC has one set of rules applicable to national banks and another set of rules applicable to Federal savings associations or, where appropriate, to all savings associations.

However, the OCC has decided to propose integrating its Application and Reporting rules (also referred to as Licensing rules)[7]—to the extent appropriate and consistent with statutory charter differences—for national banks and Federal savings associations, in order to streamline its applications processing and to facilitate improvements in its electronic filing systems. Accordingly, on May 21, 2014, the OCC issued a Notice of Proposed Rulemaking (''NPR'') (a) to integrate its national bank and savings association Application and Reporting rules, and (b) to revise some of these rules with the goal of eliminating unnecessary requirements consistent with safety and soundness.[8]

The OCC recognizes that the timing and substance of this NPR and the EGRPRA review of the Application and Reporting rules overlap. In an effort to provide the fullest opportunity for public comment, the OCC invites comment on its current Application and Reporting rules pursuant to this notice, on its proposed revisions to the Application and Reporting rules set forth in the NPR, or on both. The OCC will consider all comments it receives when it finalizes its integrated Application and Reporting rules.

Comments on rules transferred from the OTS to the FDIC that involve state savings associations. Pursuant to section 316(b) of the Dodd-Frank Act, rules transferred from the OTS to the FDIC and other successor agencies remain in effect ''until modified, terminated, set aside, or superseded in accordance with applicable law'' by the relevant successor agency, by a court of competent jurisdiction, or by operation of law. When the FDIC republished the transferred OTS regulations as new FDIC regulations applicable to state savings associations, the FDIC stated in its **Federal Register** notice that its staff would evaluate the transferred OTS rules and might later recommend incorporating the transferred OTS regulations into other FDIC rules, amending them, or rescinding them.[9] This process began in 2013 and continues, involving publication in the **Federal Register** of a series of NPRs and rulemakings.

The FDIC will consider public comments submitted either through the EGRPRA review process or through any notice and comment rulemaking related to the FDIC's determinations regarding the transferred OTS regulations.

[5] Consistent with EGRPRA's focus on reducing burden on insured depository institutions, the Agencies have not included their internal, organizational or operational regulations in this review. These regulations impose minimal, if any, burden on insured depository institutions. Furthermore, we have not included in this review those rules that will go into effect during the EGRPRA review, new regulations that have only recently gone into effect, or rules that we have yet to fully implement. As previously noted, the Agencies were required to take burden into account in adopting these regulations.

[6] The Agencies are seeking comment only on those consumer protection regulations for which they retain rulemaking authority for insured depository institutions, and regulated holding companies following passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010) (''Dodd-Frank Act'').

[7] These rules are set forth on pages 1–2 of the chart.

[8] *http://www.occ.gov/news-issuances/bulletins/2014/bulletin-2014-22a.pdf.*

[9] 76 FR 47652, 47653 (Aug. 5, 2011).

Comments on rules transferred from the OTS to the Board on savings and loan holding companies. In August 2011, the Board adopted interim final rules for savings and loan holding companies as Regulations LL and MM.[10] In connection with the action, the Board requested comments on the rules. Any comments received during the EGRPRA process will be taken into account in connection with the adoption of the final rules or in connection with any subsequent requests for comment on additional changes to these regulations.

Specific issues for commenters to consider. The Agencies specifically invite comment on the following issues as they pertain to the Agencies' Applications and Reporting, Powers and Activities, and International Operations rules addressed in this notice. We will ask these same questions for each notice we issue in connection with the EGRPRA process.

- *Need for statutory change.* Do the statutes underlying the regulations in these categories impose outdated, unnecessary, or unduly burdensome requirements on insured depository institutions or their regulated holding companies? If so, how should the statutes be amended?
- *Need and purpose of the regulations.* Have there been changes in the financial services industry, consumer behavior, or other circumstances that cause any regulations in these categories to be outdated, unnecessary, or unduly burdensome? If so, how should these regulations be amended? Do any of these regulations impose burdens not required by their underlying statutes? If so, what regulatory changes do you recommend?
- *Overarching approaches/flexibility.* With respect to the regulations and underlying statutes in these categories, could an Agency use a different regulatory approach to impose less regulatory burden on the entities it supervises, while remaining faithful to statutory intent? Are any of the regulations or underlying statutes in these categories unnecessarily inflexible? If so, which ones and how should they be amended?
- *Effect on competition.* Do any of the regulations or underlying statutes in these categories create a competitive disadvantage for one part of the financial services industry compared to another? If so, how should they be amended?
- *Reporting, recordkeeping and disclosure requirements.* Do any of the regulations or underlying statutes in these categories impose unnecessarily burdensome reporting, recordkeeping, or disclosure requirements on insured depository institutions and their holding companies? Could the Agencies consolidate or eliminate any of these requirements? Could a financial institution fulfill any of these requirements electronically (if they are not already permitted to do so) and experience a burden reduction? If so, please provide specific recommendations.
- *Unique characteristics of a type of institution.* Do any of the regulations or underlying statutes in these categories impose requirements that are unwarranted by the unique characteristics of a particular type of insured depository institution or holding company? If so, how should these regulations be amended?
- *Clarity.* Are the regulations and underlying statutes in these categories clear and easy to understand? Are there specific regulations or underlying statutes in need of clarification? If so, please identify the regulations and statutes.
- *Burden on community banks and other smaller, insured depository institutions.* Are there regulations or underlying statutes in these categories that impose outdated, unnecessary, or unduly burdensome requirements on a substantial number of community banks or other smaller, insured depository institutions or holding companies? Should any of these regulations be amended or repealed in order to minimize this impact? If so, please specify the regulation(s).
- *Scope of rules.* Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)? Could we amend the scope of a rule to clarify its applicability or to reduce the burden, while remaining faithful to statutory intent? If so, specify which regulation(s) should be clarified.

[10] 12 CFR parts 238 and 239.

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Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
1. Applications and Reporting						
Interagency Regulations						
Bank Merger Act	12 CFR 5.33	12 CFR 262.3 (processing and notice) 12 CFR 225 Subpart B	12 CFR Part 303, Subpart D	12 CFR 163.22 (also includes bulk asset transfers and thrift-to-bank conversions)	12 CFR Part 390, Subpart E	
Change in Bank Control	12 CFR 5.50	12 CFR Part 225, Subpart E [Reg. Y]	12 CFR Part 303, Subpart E Part 308, Subparts D and E	12 CFR Part 174 (includes control under the Savings and Loan Holding Company Act);	12 CFR Part 391, Subpart E	12 CFR Part 225, Subpart E ---------- 12 CFR Part 238, Subpart D
Notice of Addition or Change of Directors	12 CFR 5.51	12 CFR Part 225, Subpart H [Reg. Y]	12 CFR Part 303, Subpart F	12 CFR Part 163, Subpart H	12 CFR 390.360-.368	12 CFR Part 225, Subpart H ---------- 12 CFR Part 238, Subpart H
OCC Regulations						
National Bank Rules, Policies, and Procedures for Corporate Activities	12 CFR Part 5 (Generally)					
Federal Savings Association Application Processing Procedures				12 CFR Part 116 (Additional OCC application and notice requirements are associated with specific regulations included elsewhere on this list. E.g., fiduciary powers applications, 12 CFR Part 150; subordinate organization activities, 12 CFR Part 159)		
Federal Savings Association Capital Distribution				12 CFR Part 163, Subpart E		
Federal Mutual Savings Associations – Incorporation, Organization and Conversion; or Merger,				12 CFR Parts 143, 146		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Dissolution, Reorganization and Conversion						
Federal Stock Savings Associations–Incorporation, Organization and Conversion				12 CFR Part 152		
Federal Savings Association Mutual to Stock Conversions				12 CFR Part 192	12 CFR Part 192 (Conversions from Mutual to Stock Form)	
Federal Savings Association Offices				12 CFR 145.92-.96		
Federal Savings Association Regulatory Reporting Standards; Other Reporting Requirements; and Recordkeeping				12 CFR Part 162; 12 CFR 163.170; 12 CFR 163.180		
Board Regulations						
Holding Companies – Formations, Acquisitions and Nonbanking Activities						12 CFR Part 225 [Reg. Y], Subparts A, B, C, D, I, Appx. C 12 CFR 262.3 ---------- 12 CFR Part 238 [Reg. LL] Subparts A, B, C, E, F 12 CFR Part 239 [Reg. MM] 12 CFR 262.3
State Member Banks		12 CFR Part 208 [Reg. H], Subparts A, B, C, G 12 CFR Part 209 [Reg. I] 12 CFR 262.3				
FDIC Regulations						
Call Reports and Other Forms, Instructions and Reports	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304 (excluding 304.3(d))	12 CFR Part 304			
Deposit Insurance Filing Procedures	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 303, Subpart B	12 CFR Part 390, Subpart F	

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs -------- SLHCs
Extension of Corporate Powers			12 CFR Part 333			
Filing Procedures and Delegations of Authority			12 CFR Part 303		12 CFR Part 390, Subpart F	
2. Powers and Activities						
OCC Regulations						
National Bank Activities and Operations	12 CFR Part 7, Subparts A, D, and E					
National Bank Community Development Corporations, Community Development Projects, and Other Public Welfare Investments	12 CFR Part 24					
National Bank Debt Cancellation Contracts and Debt Suspension Agreements	12 CFR Part 37					
National Bank Fiduciary Activities	12 CFR Part 9					
National Bank Investment in Bank Premises	12 CFR 5.37					
National Bank Investment Securities	12 CFR Part 1	12 CFR Part 1				
National Bank Leasing	12 CFR Part 23					
National Bank Real Estate Lending	12 CFR Part 34, Subparts A and B					
National Bank Sales of Credit Life Insurance	12 CFR Part 2					
Federal Savings Association				12 CFR Parts 157, 161		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs --------- SLHCs
Deposits				(definitions)		
Federal Savings Association Electronic Operations				12 CFR Part 155		
Federal Savings Association Fiduciary Powers of Federal Savings Associations				12 CFR Part 150		
Federal Savings Association General				12 CFR Part 145; See also: provisions on chartering, organization and bylaws at 12 CFR Part 152 (Federal Stock Associations); 12 CFR Parts 143, 144, 146 (Federal Mutual Savings Associations)		
Federal Savings Association Lending and Investment				12 CFR Part 160		
Preemption of State Due-On-Sale Laws (Implementation of Garn-St Germain)	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191	12 CFR Part 191 (Preemption of State Due-on-Sale Laws)	
Preemption of State Usury Laws (Implementation of DIDMCA)	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190	12 CFR Part 190 (Preemption of State Usury Laws)	
Federal Savings Association Subordinate Organizations				12 CFR Part 159		
Retail Foreign Exchange Transactions	12 CFR Part 48			12 CFR Part 48		

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Preemption Generally	12 CFR Part 7, Subpart D			12 CFR 7.4010		
	Board Regulations					
Bank Holding Companies, Financial Holding Companies, Savings and Loan Holding Companies (General provisions not included elsewhere in this list)						12 CFR Part 225, Subparts A, F, J ---------- 12 CFR Part 238, Subparts A, G, K, I 12 CFR Part 239
Activities and Operations		12 CFR Part 208, 208.37, Subparts A, G 12 CFR Part 209				
Community Development; Public Welfare Investments; Investment in Bank Premises; Investment Securities		12 CFR Part 208, Subpart B				
Fiduciary Activities		12 CFR 225.28(b)(5)				
Leasing of Real Property Personal Property		12 CFR 225.28(b)(3)				
Real Estate Lending		12 CFR Part 208, Subpart E				12 CFR Part 225, Subpart G ----------
Sales of Insurance		12 CFR Part 208, Subpart H				
	FDIC Regulations					
Activities of Insured State Banks		12 CFR Part 362, Subpart A; 12 CFR Part 303, Subpart G	12 CFR Part 362, Subparts A, B, and E; 12 CFR Part 303, Subpart G		12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H	
Activities of Insured State Savings Associations					12 CFR Part 362, Subparts C and D; 12 CFR Part 303, Subpart H; 12 CFR Part 390, Subpart O	

Categories and Regulations Addressed in the First Federal Notice

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
3. International Operations						
Interagency Regulations						
International Lending Supervision	12 CFR Part 28, Subpart C	12 CFR Part 211, Subpart D [Reg. K]	12 CFR Part 347, Subpart C			12 CFR Part 211, Subpart D [Reg. K]
OCC Regulations						
Foreign Operations of National Banks	12 CFR Part 28, Subpart A					
Board Regulations						
International Operations of U.S. Banking Organizations	12 CFR Part 211, Subpart A	12 CFR Part 211, Subpart A				12 CFR Part 211 Subpart A
Edge and Agreement Corporations	12 CFR 11.5-7	12 CFR 211.5-7				12 CFR 211.5-7
Foreign Banking Organizations Interstate Banking Operations Nonbanking Activities U.S. Offices						12 CFR Part 211 Subpart B
Export Trading Companies; International Lending Supervision						12 CFR Part 211, Subparts C, D
FDIC Regulations						
Foreign Banking and Investment by Insured State Nonmember Banks			12 CFR Part 347, Subpart A; 12 CFR Part 303, Subpart J			

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs -------- SLHCs
1. Banking Operations						
OCC Regulations						
Assessment of Fees	12 CFR Part 8			12 CFR Part 8		
Bank Operations	12 CFR Part 7, Subpart C					
Board Regulations						
Availability of Funds and Collection of Checks	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	12 CFR Part 229 [Reg. CC]	
Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	12 CFR Part 210 [Reg. J]	
Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	12 CFR Part 219 [Reg. S]	
Reserve Requirements of Depository Institutions	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	12 CFR Part 204 [Reg. D]	
The Payment System Risk Reduction Policy	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	Federal Reserve Regulatory Service 9-1000	
FDIC Regulations						
Assessments	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	12 CFR Part 327	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
2. Capital						
Interagency Regulations						
Prompt Corrective Action	12 CFR Part 6	12 CFR Part 208, Subpart D 12 CFR Part 263, Subpart H	12 CFR Part 325, Subpart B	12 CFR Part 6 (effective Jan. 1, 2014).	12 CFR Part 390, Subpart Y	12 CFR 208, Subpart D 12 CFR 263, Subpart H ----------
Risk-Based and Leverage Capital Adequacy Standards	12 CFR Part 3	12 CFR Part 208, Subpart D, Appx. A, B, E, and F 12 CFR Part 263, Subpart E	12 CFR Part 325, Subpart A and all Appendices	12 CFR Part 6 (effective Jan. 1, 2014).	12 CFR Part 390, Subpart Z	12 CFR Part 225, Appx. A, B, D, E, G 12 CFR Part 263, Subpart E ----------
Annual Stress Tests	12 CFR Part 46	12 CFR Part 252	12 CFR Part 325, Subpart C	12 CFR Part 46	12 CFR Part 325	12 CFR Part 252 ---------- 12 CFR Part 252
OCC Regulations						
National Bank Changes in Permanent Capital; Subordinated Debt as Capital	12 CFR 5.46-.47					
3. Community Reinvestment Act[11]						
Interagency Regulations						
Community Reinvestment Act	12 CFR Part 25	12 CFR Part 228 [Reg. BB]	12 CFR Part 345	12 CFR Part 195	12 CFR Part 195	12 CFR 228 ---------- 12 CFR 228
Disclosure and Reporting of CRA-Related Agreements	12 CFR Part 35	12 CFR Part 207 [Reg. G]	12 CFR Part 346	12 CFR Part 35 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart H	12 CFR 207 ---------- 12 CFR 207
4. Consumer Protection[12]						
Interagency Regulations						
Consumer Protection in Sales of Insurance	12 CFR Part 14	12 CFR Part 208, Subpart H [Reg. H]	12 CFR Part 343	12 CFR Part 14 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart I	

[11] Community development regulations are being published for comment as part of the Powers and Activities category.

[12] Regulations for which rulemaking authority has transferred to the CFPB are not included in this Consumer Protection category. As described in the Supplementary Information section of this notice, the CFPB is required to review its significant rules and publish a report of its review no later than five years after they take effect, in a process separate from the EGRPRA process.

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Fair Housing	12 CFR Part 27		12 CFR Part 338	12 CFR Part 128 (including other nondiscrimination requirements)	12 CFR Part 390, Subpart G	
Loans in Identified Flood Hazard Areas	12 CFR Part 22 (See also proposal to amend Part 22 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR 208.25 [Reg. H] (See also proposal to amend Part 208 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 339 (See also proposal to amend Part 339 at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 172 (See also proposal to apply proposed amendments to Part 22 to Federal savings associations at 78 FR 65108 (Oct. 30, 2013)).	12 CFR Part 391, Subpart D (See also proposal to apply proposed amendments to Part 339 to state savings associations at 78 FR 65108 (Oct. 30, 2013)).	
Prohibition Against Use of Interstate Branches Primarily for Deposit Production	12 CFR Part 25, Subpart E	12 CFR 208.7 [Reg. H]	12 CFR Part 369			
Safeguarding Customer Information	12 CFR Part 30, Appx. B	12 CFR Part 208, Appx. D-2 [Reg. H]	12 CFR Part 364, Appx. B	12 CFR Part 170, Appx. B	12 CFR 391.14, Appx. B	12 CFR Part 225, Appx. F ----------
Fair Credit Reporting Act Duties of Users of Consumer Reports Regarding Address Discrepancies and Records Disposal	12 CFR Part 41, Subpart I	12 CFR Part 222, Subpart I	12 CFR Part 334, Subpart I	12 CFR Part 41, Subpart I (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 391, Subpart C	
Fair Credit Reporting Act Consumer Information Identity Theft Red Flags	12 CFR Part 41, Subpart J	12 CFR Part 222 Subpart J	12 CFR Part 334, Subpart J	12 CFR Part 41, Subpart J (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 391, Subpart C	
FDIC Regulations						
Advertisement of Membership	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328	12 CFR Part 328; See also 12 CFR 390.333	
Deposit Insurance Coverage	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330	12 CFR Part 330; See also 12 CFR 390.231	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Certification of Assumption of Deposits and Notification of Changes of Insured Status	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307	12 CFR Part 307; See also 12 CFR 390.332	
OCC Regulations						
Federal Savings Association Advertising				12 CFR 163.27	12 CFR Part 163 (Savings Association Operations)	
Federal Savings Association Tying Restriction Exception				12 CFR 163.36		
5. Directors, Officers and Employees						
Interagency Regulations						
Disclosure of Financial Information	12 CFR Part 18		12 CFR Part 350			
Golden Parachute and Indemnification Programs	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359	12 CFR Part 359; See also 12 CFR 145.121	12 CFR Part 359	12 CFR Part 359 ---------- 12 CFR Part 359
Limits on Extensions of Credit to Executive Officers, Directors and Principal Shareholders; Related Disclosure Requirements	12 CFR Part 31	12 CFR Part 215 [Reg. O]	12 CFR 337.3; 12 CFR Part 349	12 CFR 163.43		
Management Official Interlocks	12 CFR Part 26	12 CFR Part 212 [Reg. L]	12 CFR Part 348	12 CFR Part 26 (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart V	12 CFR Part 212 ---------- 12 CFR Part 238, Subpart J

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
OCC Regulations						
National Bank Activities and Operations – Corporate Practices	12 CFR Part 7, Subpart B					
Federal Savings Association Board of Directors Composition				12 CFR 163.33		
Federal Savings Association Bond Coverage				12 CFR 163.190-.191		
Federal Savings Association Employment Contracts, Compensation, Pension Plans				12 CFR 163.39; 12 CFR 163.47; 12 CFR 163.161		
Federal Savings Association Restrictions on Transactions with Officers, Directors, and Others				12 CFR 160.130; 12 CFR 163.200-.201	12 CFR Part 160 (Lending and Investment)	
6. Money Laundering						
Interagency Regulations						
Bank Secrecy Act Compliance	12 CFR Part 21, Subpart C	12 CFR 208.63 [Reg. H]	12 CFR Part 326, Subpart B	12 CFR Part 21, Subpart C (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR 390.354	
Reports of Crimes or Suspected Crimes	12 CFR Part 21, Subpart B	12 CFR 208.62-.63 [Reg. H]	12 CFR Part 353	12 CFR 163.180(d)	12 CFR 390.355	12 CFR 225.4(f)
7. Rules of Procedure						
Interagency Regulations						
Uniform Rules of Practice and Procedure	12 CFR Part 19	12 CFR Part 263	12 CFR Part 308	12 CFR Part 109	12 CFR Part 390.30	12 CFR Part 263 ---------- 12 CFR Part 263

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs -------- SLHCs
OCC Regulations						
National Bank Voluntary Liquidation	12 CFR 5.48					
Federal Savings Association Investigative Proceedings and Formal Examinations				12 CFR Part 112		
Federal Savings Association Possession by Conservators and Receivers for Federal and State Savings Associations				12 CFR Part 158		
Federal Savings Association Removals, Suspensions and Prohibitions Where a Crime is Charged or Proven				12 CFR Part 108		
FDIC Regulations						
Resolution and Receivership Rules	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360	12 CFR Part 360; See also 12 CFR Part 390, Subpart N	
Recordkeeping Requirements for Qualified Financial Contracts	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	12 CFR Part 371	
Restrictions on Sale of Assets by the Federal Deposit Insurance Corporation	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	12 CFR Part 340	
8. Safety and Soundness						
Interagency Regulations						
Appraisal Standards for Federally Related Transactions	12 CFR Part 34, Subpart C	12 CFR 208.50 [Reg. H]; 12 CFR Part 225, Subpart G [Reg. Y]	12 CFR Part 323	12 CFR Part 34, Subpart C (effective June 16, 2014, see 79 FR 28393 (May 16, 2014)).	12 CFR Part 390, Subpart X	12 CFR Part 225, Subpart G ----------

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs -------- SLHCs
Frequency of Safety and Soundness Examination	12 CFR 4.6-.7	12 CFR 208.64	12 CFR 337.12	12 CFR 4.6 (See also: 12 CFR 163.170)	12 CFR 390.351	
Lending Limits	12 CFR Part 32	12 CFR Part 215, Subpart A		12 CFR Part 32		
Real Estate Lending Standards	12 CFR Part 34, Subpart D	12 CFR Part 208, Subpart E and Appx. C [Reg. H]	12 CFR Part 365	12 CFR 160.100; 12 CFR 163.101	12 CFR Part 390, Subpart P	12 CFR Part 225, Subpart G ----------
Security Devices and Procedures	12 CFR Part 21, Subpart A	12 CFR 208.61 [Reg. H]	12 CFR Part 326, Subpart A	12 CFR Part 168	12 CFR Part 391, Subpart A	
Standards for Safety and Soundness	12 CFR Part 30	12 CFR Part 208, Appx. D-1 [Reg. H]	12 CFR Part 364	12 CFR Part 170	12 CFR Part 391, Subpart B	
Transactions with Affiliates	12 CFR Part 223 [Reg. W]; 12 CFR Part 31	12 CFR Part 223 [Reg. W]		12 CFR 163.41		
OCC Regulations						
National Bank Other Real Estate Owned	12 CFR Part 34, Subpart E					
Savings Associations and Savings Association Holding Companies Audits				12 CFR 162.4, See also 12 CFR Part 363		
Federal Savings Association Financial Management Policies				12 CFR Part 163, Subpart F		
Federal Savings Association Lending and Investment – Additional Safety and Soundness Limitations				12 CFR Part 160	12 CFR Part 160 (Lending and Investment)	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Board Regulations						
Extensions of Credit by Federal Reserve Banks	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	12 CFR Part 201 [Reg. A]	
Limitations on Interbank Liabilities	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	12 CFR Part 206 [Reg. F]	
FDIC Regulations						
Annual Independent Audits and Reporting Requirements	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363	12 CFR Part 363; See also 12 CFR 162.4	12 CFR Part 363; See also 12 CFR 390.322	
Unsafe and Unsound Banking Practices (Standby Letters of Credit)			12 CFR 337.2			
Unsafe and Unsound Banking Practices (Brokered Deposits)	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	12 CFR 337.6	
9. Securities						
Interagency Regulations						
Banks as Registered Clearing Agencies	12 CFR 19.135	12 CFR 208.32-33 [Reg. H]	12 CFR Part 308, Subpart S			
Banks as Securities Transfer Agents	12 CFR 9.20	12 CFR 208.31 [Reg. H]	12 CFR Part 341			
Government Securities Sales Practices	12 CFR Part 13	12 CFR 208.37 [Reg. H]	12 CFR Part 368			
Recordkeeping and Confirmation of Securities Transactions Effected by Banks	12 CFR Part 12	12 CFR 208.34 [Reg. H]	12 CFR Part 344	12 CFR Part 151	12 CFR Part 344	

Categories and Regulations to be Addressed in Subsequent Federal Notices

Subject	National Banks	State Member Banks	State Non-Member Banks	Federal Savings Associations	State Savings Associations	BHCs & FHCs - - - - - - - - SLHCs
Reporting Requirements for Reported Securities Under the Securities Exchange Act of 1934	12 CFR Part 11	12 CFR 208.36 [Reg. H]	12 CFR Part 335	12 CFR Part 194	12 CFR Part 390, Subpart U	
Securities Offerings	12 CFR Part 16			12 CFR Part 197		
OCC Regulations						
National Bank Municipal Securities Dealer Activities of Banks	12 CFR Part 10					
Federal Savings Associations Accounting Requirements/Financial Statements				12 CFR Part 193		
Federal Savings Associations Proxies				12 CFR Part 169	12 CFR Part 169 (Proxies)	
Federal Savings Associations Rules on the Issuance and Sale of Institution Securities				12 CFR 163.5; 12 CFR Part 163, Subpart C		
Board Regulations						
Credit by Banks and Persons Other than Brokers or Dealers for the Purpose of Purchasing or Carrying Margin Stock	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U]	12 CFR Part 221 [Reg. U] ---------- 12 CFR Part 221 [Reg. U]

Dated: May 26, 2014.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, May 22, 2014.

Robert DeV. Frierson,

Secretary of the Board.

Dated: May 23, 2014.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–12741 Filed 6–3–14; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Chapter VII

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCY: National Credit Union Administration.

ACTION: Notice of regulatory review; request for comments.

SUMMARY: The NCUA Board (Board) is beginning its second, comprehensive review of its regulations to identify outdated, unnecessary, or burdensome regulatory requirements imposed on federally insured credit unions, as contemplated by section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (EGRPRA). In accordance with EGRPRA, the Board has categorized its regulations for the purpose of the review and proposes to publish categories of regulations for public comment at regular intervals over the next two years. The categories, and the regulations that the Board considers to be part of those categories, are detailed below. This review presents a significant opportunity to consider the possibilities for burden reduction in groups of similar regulations. The Board welcomes comment on the categories, the order of review, and all other aspects of this initiative in order to maximize the review's effectiveness. In 2003, the Board commenced an initial review of all its regulations pursuant to EGRPRA, a process that ended in 2006. Today, the Board initiates its second EGRPRA review by issuing the first in a series of four requests for public comment, comprising two of the categories—''Applications and Reporting'' and ''Powers and Activities.'' We will address the remaining eight categories in the next three requests for comment.

DATES: Comment must be received on or before September 2, 2014.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on Regulatory Review pursuant to EGRPRA'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

Public Inspection: All public comments are available on the agency's Web site at *http://www.ncua.gov/Legal/Regs/Pages/PropRegs.aspx* as submitted, except as may not be possible for technical reasons. Public comments will not be edited to remove any identifying or contact information. Paper copies of comments may be inspected in NCUA's law library at 1775 Duke Street, Alexandria, Virginia 22314, by appointment weekdays between 9:00 a.m. and 3:00 p.m. To make an appointment, call (703) 518–6546 or send an email to *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Ross P. Kendall, Special Counsel to the General Counsel, at the above address, or telephone: (703) 518–6562.

SUPPLEMENTARY INFORMATION:

I. Introduction

Congress enacted EGRPRA [1] as part of an effort to minimize unnecessary government regulation of financial institutions consistent with safety and soundness, consumer protection, and other public policy goals. Under EGRPRA, the appropriate federal banking agencies (Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation; herein Agencies [2]) and the Federal Financial Institutions Examination Council (FFIEC) must review their regulations to identify outdated, unnecessary, or unduly burdensome requirements imposed on insured depository institutions. The Agencies are required, jointly or individually, to categorize regulations by type, such as ''consumer regulations'' or ''safety and soundness'' regulations. Once the categories have been established, the Agencies must provide notice and ask for public comment on one or more of these regulatory categories.

NCUA is not technically required to participate in the EGRPRA review process, since NCUA is not an ''appropriate Federal banking agency'' as specified in EGRPRA. In keeping with the spirit of the law, however, the Board has once again elected to participate in the review process. Thus, NCUA has participated along with the Agencies in the planning process, but has developed its own regulatory categories that are comparable with those developed by the Agencies. Because of the unique circumstances of federally insured credit unions and their members, the Board is issuing a separate notice from the Agencies. NCUA's notice is consistent and comparable with the Agencies' notice, except on issues that are unique to credit unions.

In accordance with the objectives of EGRPRA, the Board asks the public to identify areas of its regulations that are outdated, unnecessary, or unduly burdensome. In addition to this initial notice, the Board will issue three more notices for comment over the course of the next two years, at regular intervals. The EGRPRA review supplements and complements the reviews of regulations that NCUA conducts under other laws and its internal policies.[3]

In addition to the elimination of the Office of Thrift Supervision, another significant development since the first EGRPRA review is the creation of the Consumer Financial Protection Bureau (CFPB). Created with the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010,[4] the CFPB has assumed responsibility for the administration of several consumer protection regulations that had previously been the responsibility of the Agencies and/or NCUA, such as Regulation Z and rules governing consumer privacy. Because the CFPB is

[1] Public Law 104–208, Div. A, Title II, section 2222, 110 Stat. 3009 (1996); codified at 12 U.S.C. 3311.

[2] The Office of Thrift Supervision was still in existence at the time EGRPRA was enacted and was included in the listing of Agencies. Since that time, the OTS has been eliminated and its responsibilities have passed to the Agencies and the Consumer Financial Protection Bureau.

[3] Interpretive Ruling and Policy Statement (IRPS) 87–2, 52 FR 35231 (Sept. 8, 1987) as amended by IRPS 03–2, 68 FR 32127 (May 29, 2003.) (Reflecting NCUA's commitment to ''periodically update, clarify and simplify existing regulations and eliminate redundant and unnecessary provisions.'')

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

not covered by EGRPRA or required to participate in this regulatory review process, the Agencies and NCUA have excluded certain consumer protection regulations from the scope of the current review.[5] In the case of rules implementing specific aspects of the Fair Credit Reporting Act, the Truth in Savings Act, rules pertaining to fair lending in the housing area, and flood insurance, NCUA has retained rule-writing authority, and these rules have been retained for purposes of the EGRPRA review. Regulations that were included in the initial review under this category pertaining to share insurance and advertising also remain the province of NCUA and are included as well.

EGRPRA contemplates a two-part regulatory response. First, NCUA will publish in the **Federal Register** a summary of the comments received, identifying and discussing the significant issues raised. Second, the law directs the Agencies to ''eliminate unnecessary regulations to the extent that such action is appropriate.'' As was done during the initial EGRPRA regulatory review process, the Board anticipates that it will prepare its response separately from the Agencies, but at around the same time.

EGRPRA further requires the FFIEC to submit a report to the Congress within 30 days after NCUA and the Agencies publish the comment summary and analysis in the **Federal Register**.

This report must summarize any significant issues raised by the public comments and the relative merits of those issues. The report also must analyze whether the appropriate federal financial regulator involved is able to address the regulatory burdens associated with the issues by regulation, or whether the burdens must be addressed by legislation. The FFIEC report submitted to Congress following the initial EGRPRA review included an Agency section discussing banking sector issues and a separate section devoted to NCUA and credit union issues. It is likely that the FFIEC will follow a similar approach in this second EGRPRA review and report process.

II. The EGRPRA Review's Special Focus

The regulatory review contemplated by EGRPRA provides a significant opportunity for the public and the Board to consider groups of related regulations and identify possibilities for streamlining. The EGRPRA review's overall focus on the totality of regulations will offer a new perspective in identifying opportunities to reduce regulatory burden. For example, the EGRPRA review may facilitate the identification of regulatory requirements that are no longer consistent with the way business is conducted and that therefore might be eliminated. Of course, reducing regulatory burden must be consistent with ensuring the continued safety and soundness of federally insured credit unions and appropriate consumer protections.

EGRPRA also recognizes that burden reduction must be consistent with NCUA's statutory mandates, many of which currently require certain regulations. One of the significant aspects of the EGRPRA review program is the recognition that effective burden reduction in certain areas may require legislative change. The Board will be soliciting comment on, and reviewing the comments and regulations carefully for, the relationship among burden reduction, regulatory requirements, and statutory mandates. This will be a key aspect of the report to Congress.[6]

The Board views the approach of considering the relationship of regulatory and statutory change on regulatory burden, in concert with EGRPRA's provisions calling for grouping regulations by type, to provide the potential for particularly effective burden reduction. The Board believes the EGRPRA review can also significantly contribute to its on-going efforts to reduce regulatory burden. Since 1987, a formally adopted NCUA policy has required the Board to review each of its regulations at least once every three years with a view toward eliminating, simplifying, or otherwise easing the burden of each regulation.[7] Further, the Board addresses the issue of regulatory burden every time it proposes and adopts a rule. Under the Paperwork Reduction Act of 1995,[8] the Regulatory Flexibility Act,[9] and internal agency policies, NCUA examines each rulemaking to minimize the burdens it might impose on the industry and considers various alternatives.

The Board is particularly sensitive to the impact of agency rules on small institutions. In 2013, the Board formally increased the threshold for meeting the ''small'' classification to having assets of $50 million or less. The Board is cognizant that each new or amended regulation has the potential for requiring significant expenditures of time, effort, and money to achieve compliance, and also that this burden can be particularly difficult for institutions of smaller asset size, with fewer resources available.

III. The Board's Proposed Plan

EGRPRA contemplates the categorization of regulations by ''type.'' During the initial EGRPRA review, the Board developed and published for comment ten categories for NCUA's rules, including some that had been issued jointly with the Agencies. The Board believes these initial categories worked well for the purpose of presenting a framework for the review and so is proposing to keep and use the same categories in this second review.[10] The categories, in alphabetical order, are: Agency Programs; Applications and Reporting; Capital; Consumer Protection; Corporate Credit Unions; Directors, Officers and Employees; Money Laundering; Powers and Activities; Rules of Procedure; and Safety and Soundness. As noted above, some of the rules in the consumer protection category are now under CFPB's jurisdiction and administration, and those affected rules have been eliminated. Any rules adopted for the first time since 2006 have been included in the appropriate category.[11]

As the Board noted during the initial EGRPRA review, although there are other possible ways of categorizing its rules, these ten categories ''are logical groupings that are not so broad such that the number of regulations presented in any one category would overwhelm potential commenters. The categories also reflect recognized areas of industry interest and specialization or are particularly critical to the health of the credit union system.'' As was also noted during the initial review, some regulations, such as lending, pertain to

[5] In addition to rules that have been transferred to the CFPB, insured credit unions are also subject to certain other regulations that are not required to be reviewed under the EGRPRA process, such as regulations issued by the Department of the Treasury's Financial Crimes Enforcement Network. Any comment received during the EGRPRA process that pertains to such a rule will be forwarded to the appropriate agency.

[6] Indeed, one direct result of the initial EGRPRA review and ensuing report to Congress was the enactment of the Financial Services Regulatory Relief Act of 2006, which, among other things, extended from twelve to fifteen years the general maturity limit on loans for Federal credit unions and expanded their ability to offer check cashing and money transfer services to individuals within their field of membership. Public Law 109–351, 120 Stat. 1966 (2006).

[7] IRPS 87–2, 52 FR 35231 (Sept. 8, 1987) as amended by IRPS 03–2, 68 FR 32127 (May 29, 2003).

[8] 44 U.S.C. 3501 et seq.

[9] 5 U.S.C. 601 et seq.

[10] Consistent with EGRPRA's focus on reducing burden on insured credit unions, the Board has not included internal, organizational or operational regulations in this review. These regulations impose minimal, if any, burden on insured credit unions.

[11] Commenters should note, in this respect, that for new regulations that have only recently gone into effect, some passage of time may be necessary before the burden associated with the regulatory requirements can be fully and properly understood.

more than one category and are included in all applicable categories.

As with the initial EGRPRA review, the Board remains convinced that publishing its rules for public comment separately from the Agencies is the most effective method for achieving EGRPRA's burden reduction goals for federally insured credit unions. Owing to differences in the credit union system as compared to the banking system, there is not a direct, category by category, correlation between NCUA's rules and those of the Agencies. For example, credit unions deal with issues such as membership, credit union service organizations, and corporate credit unions, all of which are unique to credit union operations. Similarly, certain categories identified by the Agencies during the initial review process have limited or no applicability in the credit union sector, such as community reinvestment, international operations, and securities. The categories developed by the Board and the Agencies reflect these differences. The Board intends to maintain comparability with the Agencies' notices to the extent there is overlap or similarity in the issues and the categories.

As with the initial review process, with this first notice the Board is publishing two categories of rules for comment on burden reduction. The Board anticipates publishing the remaining eight categories for similar comment periods at regular intervals over the next two years. The Board welcomes recommendations on grouping the remaining categories and the order in which to publish them.

After the conclusion of the comment period for each EGRPRA notice published in the **Federal Register**, the Board will review the comments it has received and decide whether further action is appropriate with respect to the categories of regulations included in that notice.

The Board has prepared two charts to assist public understanding of the organization of its review. The first chart, set forth at Section V.A. below, presents the two categories of regulations on which NCUA is requesting burden reduction recommendations in this notice. The two categories are shown in the left column. In the middle column are the subject matters that fall within the categories and in the far right column are the regulatory citations. The second chart, set forth at Section V.B. below, presents the remaining eight categories in alphabetical order in a similar format.

IV. Request for Burden Reduction Recommendations About the First Two Categories of Regulations: ''Applications and Reporting'' and ''Powers and Activities''

The Board seeks public comment on regulations within the first two categories—''Applications and Reporting'' and ''Powers and Activities''—that may impose outdated, unnecessary, or unduly burdensome regulatory requirements on federally insured credit unions. Comments that cite particular provisions or language, and provide reasons why such provisions should be changed, would be most helpful to NCUA's review efforts. Suggested alternative provisions or language, where appropriate, would also be helpful. If the implementation of a comment would require modifying a statute that underlies the regulation, the comment should, if possible, identify the needed statutory change.

Specific issues for commenters to consider. While all comments related to any aspect of the EGRPRA review are welcome, the Board reiterates the posture adopted during the initial review process and specifically invites comment on the following issues:

- Need and purpose of the regulations. Do the regulations in these categories fulfill current needs? Has industry or other circumstances changed since a regulation was written such that the regulation is no longer necessary? Have there been shifts within the industry or consumer actions that suggest a re-focus of the underlying regulations? Do any of the regulations in these categories impose burdens not required by their authorizing statutes?
- Need for statutory change. Do the statutes impose unnecessary requirements? Are any of the statutory requirements underlying these categories redundant, conflicting or otherwise unduly burdensome?
- Overarching approaches/flexibility of the regulatory standards. Generally, is there a different approach to regulating that the Board could use that would achieve statutory goals while imposing less burden? Do any of the regulations in these categories or the statutes underlying them impose unnecessarily inflexible requirements?
- Effect of the regulations on competition. Do any of the regulations in these categories or the statutes underlying them create competitive disadvantages for credit unions compared to another part of the financial services industry?
- Reporting, recordkeeping and disclosure requirements. Do any of the regulations in these categories or the statutes underlying them impose particularly burdensome reporting, recordkeeping or disclosure requirements? Are any of these requirements similar enough in purpose and use so that they could be consolidated? What, if any, of these requirements could be fulfilled electronically to reduce their burden?
- Consistency and redundancy. Do any of the regulations in these categories impose inconsistent or redundant regulatory requirements that are not warranted by the circumstances?
- Clarity. Are the regulations in these categories and the underlying statutes drafted in clear and easily understood language? Are there specific regulations or underlying statutes that need clarification?
- *Scope of rules.* Is the scope of each rule in these categories consistent with the intent of the underlying statute(s)? Could we amend the scope of a rule to clarify its applicability or to reduce the burden, while remaining faithful to statutory intent? If so, specify which regulation(s) should be clarified.
- Burden on small insured institutions. The Board has a particular interest in minimizing burden on small insured credit unions (those with less than $50 million in assets). NCUA solicits comment on whether any regulations within these categories should be continued without change, amended or rescinded in order to minimize any significant economic impact the regulations may have on a substantial number of small federally insured credit unions.

V. A. Regulations About Which Burden Reduction Recommendations Are Requested Currently

Category	Subject	Regulation cite
1. Applications and Reporting	Change in official or senior executive officer in credit unions that are newly chartered or in troubled condition.	12 CFR 701.14.
	Field of membership/chartering	12 CFR 701.1; IRPS 03–1, as amended.
	Federal Credit Union Bylaws	12 CFR 701.2; Appendix A to Part 701.

V. A. REGULATIONS ABOUT WHICH BURDEN REDUCTION RECOMMENDATIONS ARE REQUESTED CURRENTLY—Continued

Category	Subject	Regulation cite
	Fees paid by federal credit unions	12 CFR 701.6.
	Conversion of insured credit unions to mutual savings banks.	12 CFR 708a.
	Mergers of federally insured credit unions; voluntary termination or conversion of insured status.	12 CFR 708b.
	Applications for insurance	12 CFR 741.0; 741.3; 741.4.
	Financial, statistical and other reports	12 CFR 741.6.
	Conversion to a state-chartered credit union	12 CFR 741.7.
	Purchase of assets and assumption of liabilities	12 CFR 741.8.
2. Powers and Activities:		
a. Lending, Leasing and Borrowing	Loans to members and lines of credit to members	12 CFR 701.21.
	Participation loans	12 CFR 701.22.
	Borrowed funds from natural persons	12 CFR 701.38.
	Statutory lien	12 CFR 701.39.
	Leasing	12 CFR 714.
	Member business loans	12 CFR 723.
	Maximum borrowing	12 CFR 741.2.
b. Investment and Deposits	Investment and deposit activities	12 CFR 703.
	Fixed assets	12 CFR 701.36.
	Credit union service organizations (CUSOs)	12 CFR 712.
	Payment on shares by public units and nonmembers	12 CFR 701.32.
	Designation of low-income status; receipt of secondary capital accounts by low-income designated credit unions.	12 CFR 701.34.
	Share, share draft, and share certificate accounts	12 CFR 701.35.
	Treasury tax and loan depositories; depositories and financial agents of the government.	12 CFR 701.37.
	Refund of interest	12 CFR 701.24.
	Trustee or custodian, tax-advantaged plans	12 CFR 724.
c. Miscellaneous Activities	Incidental powers	12 CFR 721.
	Charitable contributions and donations, including charitable donation accounts.	12 CFR 721.3(b).
	Credit union service contracts	12 CFR 701.26.
	Purchase, sale, and pledge of eligible obligations	12 CFR 701.23.
	Services for nonmembers within the field of membership	12 CFR 701.30.
	Suretyship and guaranty	12 CFR 701.20.
	Foreign branching	12 CFR 741.11.

V. B. CATEGORIES AND REGULATIONS ABOUT WHICH NCUA WILL SEEK COMMENT LATER

Category	Subject	Regulation cite
3. Agency Programs	Community Development Revolving Loan Program	12 CFR 705.
	Central liquidity facility	12 CFR 725.
	Designation of low-income status; receipt of secondary capital accounts by low-income designated credit unions.	12 CFR 701.34.
4. Capital	Prompt corrective action	12 CFR 702.
	Adequacy of reserves	12 CFR 741.3(a).
5. Consumer Protection	Nondiscrimination requirement (Fair Housing)	12 CFR 701.31.
	Truth in Savings (TIS)	12 CFR 707.
	Loans in areas having special flood hazards	12 CFR 760.
	Fair Credit Reporting—identity theft red flags	12 CFR 717, Subpart J.
	Fair Credit Reporting—disposal of consumer information	12 CFR 717.83.
	Fair Credit Reporting—duties regarding address discrepancies.	12 CFR 717.82.
	Share insurance	12 CFR 745.
	Advertising	12 CFR 740.
	Disclosure of share insurance	12 CFR 741.10.
	Notice of termination of excess insurance coverage	12 CFR 741.5.
	Uninsured membership shares	12 CFR 741.9.
	Member inspection of credit union books, records, and minutes.	12 CFR 701.3.
6. Corporate Credit Unions	Corporate credit unions	12 CFR 704.
7. Directors, Officers, and Employees	Loans and lines of credit to officials	12 CFR 701.21(d).
	Reimbursement, insurance, and indemnification of officials and employees.	12 CFR 701.33.
	Retirement benefits for employees	12 CFR 701.19.
	Management officials interlock	12 CFR 711.
	Fidelity bond and insurance coverage	12 CFR 713.
	General authorities and duties of federal credit union directors.	12 CFR 701.4.
	Golden parachutes and indemnification payments	12 CFR 750.

V. B. CATEGORIES AND REGULATIONS ABOUT WHICH NCUA WILL SEEK COMMENT LATER—Continued

Category	Subject	Regulation cite
8. Money Laundering	Report of crimes or suspected crimes	12 CFR 748.1.
	Bank Secrecy Act	12 CFR 748.2.
9. Rules of Procedure	Liquidation (involuntary and voluntary)	12 CFR 709 and 710.
	Uniform rules of practice and procedure	12 CFR 747, subpart A.
	Local rules of practice and procedure	12 CFR 747, subpart B.
10. Safety and Soundness	Lending	12 CFR 701.21.
	Investments	12 CFR 703.
	Supervisory committee audit	12 CFR 715.
	Security programs	12 CFR 748.0.
	Guidelines for safeguarding member information and responding to unauthorized access to member information.	12 CFR 748, Appendices A and B.
	Records preservation program and record retention appendix.	12 CFR 749.
	Appraisals	12 CFR 722.
	Examination	12 CFR 741.1.
	Liquidity and contingency funding plans	12 CFR 741.12.
	Regulations codified elsewhere in NCUA's regulations as applying to federal credit unions that also apply to federally insured state-chartered credit unions.	12 CFR 741, subpart B.

By the National Credit Union Administration Board on May 22, 2014.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2014–12739 Filed 6–3–14; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines. This proposed AD was prompted by reports of uncommanded in-flight shutdowns on Turbomeca S.A. Arriel 1 and Arriel 2 engines following rupture of the 41-tooth gear forming part of the 41/23-tooth bevel gear located in the engine accessory gearbox (AGB). This proposed AD would require an initial one-time vibration check of the engine AGB on certain higher risk Arriel 1 and Arriel 2 model engines. This proposed AD would also require repetitive vibration checks of the engine AGB for all Arriel 1 and Arriel 2 engines at every engine shop visit. We are proposing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

DATES: We must receive comments on this proposed AD by August 4, 2014.

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

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

For service information identified in this AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0164; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7758; fax: (781) 238–7199; email: *mark.riley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2014–0036, dated February 11, 2014 (referred

to herein after as ''MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Several cases of uncommanded in-flight shut-down (IFSD) have been reported on ARRIEL 1 or ARRIEL 2 engines following rupture of the 41-tooth gear forming part of the 41/23 tooth bevel gear located in the accessory gearbox (AGB) within engine module M01.

Results of subsequent investigations showed that the meshing quality of the bevel gear may have contributed to tooth rupture.

The rupture of the AGB 41-tooth gear may lead to loss of driving of equipment essential to engine operation.

This condition if not detected and corrected, could lead to an uncommanded engine in-flight shut-down and may ultimately lead to an emergency landing.

We are proposing an initial one-time vibration check of the engine AGB on certain higher risk Arriel 1 and Arriel 2 model engines. We are also proposing repetitive vibration checks of the engine AGB for all Arriel 1 and Arriel 2 engines at every engine shop visit. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0164.

Relevant Service Information

Turbomeca S.A. has issued Mandatory Service Bulletin (MSB) No. 292 72 0839, Version B, dated November 25, 2013, and MSB No. 292 72 2849, Version B, dated November 25, 2013. The service information describes procedures for correcting the unsafe condition described in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of France and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require vibration checks of the 41/23-tooth bevel gear assembly of the AGB on certain Turbomeca S.A. Arriel 1 and Arriel 2 model turboshaft engines and, if a discrepancy is found, replacement of the AGB with a part eligible for installation.

Costs of Compliance

We estimate that this proposed AD affects 1,268 engines installed on aircraft of U.S. registry. We also estimate that it would take about 4 hours per engine to comply with the inspection requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $431,120.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Turbomeca S.A.: Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD.

(a) Comments Due Date

We must receive comments by August 4, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines.

(d) Reason

This AD was prompted by reports of uncommanded in-flight shutdowns on Turbomeca S.A. Arriel 1 and Arriel 2 engines following rupture of the 41-tooth gear forming the 41/23-tooth bevel gear located in the engine accessory gearbox (AGB). We are issuing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

(e) Actions and Compliance

Unless already done, do the following.

(1) For all Turbomeca S.A. Arriel 1B, 1D, 1D1, 2B, and 2B1 turboshaft engines, perform a one-time vibration check of the AGB 41/23-tooth bevel gear meshing within 32 months of the effective date of this AD, as follows:

(i) For all Turbomeca S.A. Arriel 1B, 1D, and 1D1 engines, except those engines with an AGB installed with a serial number (S/N) listed in Figure 1 of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version B, dated November 25, 2013, use paragraphs 6.A. through 6.C. of Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013, to perform the vibration check. The reporting requirements in paragraphs 6.A.(1)(c), 6.A.(2)(b), and 6.B.(1)(c) and the requirement to return module M01 in paragraph 6.B.(2)(b)*2,* of Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013, are not required by this AD.

(ii) For all Turbomeca S.A. Arriel 2B and 2B1engines, except those engines with an AGB installed with a S/N listed in Figure 1 of Turbomeca MSB No. 292 72 2849, Version B, dated November 25, 2013, use paragraphs

6.A. through 6.C. of Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013, to perform the vibration check. The reporting requirements in paragraphs 6.A.(1)(c), 6.A.(2)(b), and 6.B.(1)(c), and the requirement to return module M01 in paragraph 6.B.(2)(b)*2,* of Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013, are not required by this AD.

(2) For all affected Turbomeca S.A. engines, during each engine shop visit after the effective date of this AD, perform a vibration check of the AGB 41/23-tooth bevel gear meshing. Guidance on performing the vibration check during an engine shop visit can be found in the service information listed in paragraph (i)(3) in the Related Information section.

(3) If the AGB does not pass the vibration check required by paragraphs (e)(1) or (e)(2) of this AD, replace the AGB with a part eligible for installation.

(f) Credit for Previous Action

If you performed a vibration check of the AGB before the effective date of this AD using Turbomeca S.A. MSB No. 292 72 0839, Version A, dated September 9, 2013; or MSB No. 292 72 2849, Version A, dated September 9, 2013, or during an engine shop visit per paragraph (e)(2) of this AD, you met the initial inspection requirement of paragraph (e)(1) of this AD.

(g) Definition

For the purposes of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges. The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

(1) For more information about this AD, contact Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7758; fax: (781) 238–7199; email: *mark.riley@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0036, dated February 11, 2014, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2014–0164.

(3) Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013; and MSB No. 292 72 2849, Version B, dated November 25, 2013, provide guidance on performing the one-time vibration check. Arriel 1 Technical Instruction (TI) No. 292 72 0839, Version E, dated February 20, 2014; Arriel 1 TI No. 292 72 0840, dated November 29, 2013; Arriel 2 TI No. 292 72 2849, Version E, dated February 20, 2014; and Arriel 2 TI No. 292 72 2850, dated November 29, 2013, provide detailed instructions on performing the one-time vibration check for Arriel 1 and Arriel 2 engines, respectively. Turbomeca Engine Test Bed Acceptance Test Specifications CCT No. 0292009400, Version T; CCT No. 0292019400, Version R; CCT No. 0292019690, Version I; CCT No. 029201530, Version K; CCT No. 0292019610, Version K; CCT No. 0292029450, Version J; CCT No. 0292029490, Version I; CCT No. 0292029440, Version I; CCT No. 0292029480, Version K; CCT No. 0292029520, Version H; CCT No. 0292029410, Version L; CCT No. 0292029530, Version H; or Turbomeca ID No. 383952; or Turbomeca RTD No. X 292 65 327 2, provide information on performing a vibration check during an engine shop visit. These service documents can be obtained from Turbomeca S.A. using the contact information in paragraph (i)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Turbomeca, S.A., 40220 Tarnos, France; phone: 33 (0)5 59 74 40 00; telex: 570 042; fax: 33 (0)5 59 74 45 15.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on May 28, 2014.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–12974 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0072; Directorate Identifier 2013–NE–04–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2013–15–09, which applies to all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engine models with certain second-stage high-pressure turbine (HPT) air seals, installed. AD 2013–15–09 currently requires initial and repetitive inspections for cracks in second-stage HPT air seals. Since we issued AD 2013–15–09, we received reports of cracking in the original location on two additional part numbers (P/Ns) as well as reports of through-cracks in a new location in the second-stage HPT air seal. PW has developed a redesigned second-stage HPT air seal that addresses the cracking condition in both locations. This proposed AD would expand the applicability of AD 2013–15–09 to include additional P/Ns, require replacement of the mating hardware if the second-stage HPT air seal is found with a through-crack, and add mandatory terminating action to the repetitive inspections. We are proposing this AD to prevent failure of the second-stage HPT air seal, which could lead to uncontained engine failure and damage to the airplane.

DATES: We must receive comments on this proposed AD by August 4, 2014.

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

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

For service information identified in this proposed AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06108; phone: (860) 565–8770; fax: (860) 565–4503. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0072; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *james.e.gray@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0072; Directorate Identifier 2013–NE–04–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On July 19, 2013, we issued AD 2013–15–09, Amendment 39–17525 (78 FR 49111, August 13, 2013), (''AD 2013–15–09''), for all PW PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engine models with second-stage HPT air seal, P/N 54L041, installed. AD 2013–15–09 requires initial and repetitive inspections for cracks in second-stage HPT air seals and replacement of air seals that fail inspection. AD 2013–15–09 resulted from the discovery of cracks in second-stage HPT air seals. We issued AD 2013–15–09 to prevent failure of the second-stage HPT air seal, which could lead to uncontained engine failure and damage to the airplane.

Actions Since AD 2013–15–09 Was Issued

Since we issued AD 2013–15–09, we received multiple reports of through-cracks in a different location on second-stage HPT air seal, P/N 50L041, and reports of cracking in the original location in two additional second-stage HPT air seal P/Ns, 50L960 and 50L976. The cracking in the two additional P/Ns requires that they be added to the applicability of this proposed AD. PW has developed a redesigned second-stage HPT air seal that corrects the cracking condition in both locations.

The new cracking location in the second-stage HPT air seal, P/N 50L041, is in the front forward fillet radius. PW determined that through-cracks in the front forward fillet radius increase the stresses in the mating hardware in the HPT rotor and that increased stress reduces the life of the first-stage HPT hub, second-stage HPT hub, and second-stage HPT blade retaining plate. Therefore, the first-stage HPT hub, second-stage HPT hub, and second-stage HPT blade retaining plate must be removed from service if the second-stage HPT air seal, P/N 50L041, is found with a through-crack.

Relevant Service Information

We reviewed PW Alert Service Bulletin (ASB) No. PW4G–112–A72–330, Revision 2, dated July 11, 2013, which describes procedures for inspecting the second-stage HPT air seal for cracks and PW Service Bulletin (SB) No. PW4G–112–72–332, Revision 2, dated April 9, 2014, which describes procedures for replacing the second-stage HPT air seal.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would expand the population of affected P/Ns, require removal from service of two newly identified P/Ns, require replacement of the mating hardware if the second-stage HPT air seal is found with a through-crack, and add mandatory terminating action to the repetitive inspection requirements.

Costs of Compliance

We estimate that this proposed AD would affect 116 engines installed on airplanes of U.S. registry. We also estimate that it would take about 5 hours to perform the inspection required by this proposed AD. The average labor rate is $85 per hour. We estimate that two engines will also require replacement of the first-stage HPT hub, second-stage HPT hub, and second-stage HPT blade retaining plate. We estimate that parts would cost about $698,920 per engine. Based on these figures, we estimate the total cost of this proposed AD to U.S. operators to be $23,420,020.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2013–15–09, Amendment 39–17525 (78 FR 49111, August 13, 2013), and adding the following new AD:

Pratt & Whitney Division: Docket No. FAA–2013–0072; Directorate Identifier 2013–NE–04–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by August 4, 2014.

(b) Affected ADs

This AD supersedes AD 2013–15–09, Amendment 39–17525 (78 FR 49111, August 13, 2013).

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, and PW4090–3 turbofan engine models with second-stage high-pressure turbine (HPT) air seal, part number (P/N) 54L041, 50L960, or 50L976, installed.

(d) Unsafe Condition

This AD was prompted by additional reports of cracking in the second-stage HPT air seal. We are issuing this AD to prevent failure of the second-stage HPT air seal, which could lead to uncontained engine failure and damage to the airplane.

(e) Compliance

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

(1) At the next piece-part exposure after the effective date of this AD, do the following:

(i) Remove from service second-stage HPT air seals, P/N 50L960, 50L976, and 50L041.

(ii) Fluorescent-penetrant inspect (FPI) second-stage HPT air seal, P/N 50L041, for a through-crack in the front forward fillet radius.

(iii) If a through-crack in the front forward fillet radius is found, remove the first-stage HPT hub, second-stage HPT hub, and second-stage HPT blade retaining plate from service. Do not reinstall the first-stage HPT hub, second-stage HPT hub, or second-stage HPT blade retaining plate into any engine.

(2) For engines with second-stage HPT air seals, P/N 50L041, installed, perform initial and repetitive inspections for cracks on-wing until the part is removed from the engine as follows:

(i) Perform an initial eddy current inspection (ECI) for cracks prior to reaching 2,200 cycles-since-new or within 100 cycles-in-service after the effective date of this AD, whichever occurs later.

(ii) Thereafter, repeat the ECI every 1,200 cycles since last inspection, or fewer, depending on the results of the inspection.

(iii) Use section 4.0 of the appendix of PW Alert Service Bulletin (ASB) No. PW4G–112–A72–330, Revision 2, dated July 11, 2013, to perform the inspection and use paragraph 8 of the Accomplishment Instructions of PW ASB No. PW4G–112–A72–330, Revision 2, dated July 11, 2013, to disposition the results of the inspection.

(f) Installation Prohibition

After the effective date of this AD, do not install any second-stage HPT air seal P/N 50L041, P/N 50L960, or P/N 50L976 into any engine.

(g) Definitions

(1) For the purpose of this AD, piece-part exposure is when the second-stage HPT air seal is removed from the engine and fully disassembled.

(2) For the purpose of this AD, a through-crack is a crack that has propagated through the thickness of the part and can be seen on both the inner diameter and outer diameter of the front forward fillet radius.

(h) Credit for Previous Actions

(1) If you performed an ECI of the second-stage HPT air seal before the effective date of this AD, using PW ASB No. PW4G–112–A72–330, Revision 1, dated February 14, 2013, or earlier version, you have met the requirements of paragraph (e)(2)(i) of this AD.

(2) If you performed an in-shop FPI of the second-stage HPT air seal before the effective date of this AD, you have met the requirements of paragraph (e)(2)(i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(j) Related Information

(1) For more information about this AD, contact James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7742; fax: (781) 238–7199; email: *james.e.gray@faa.gov.*

(2) For service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06108; phone: (860) 565–8770; fax: (860) 565–4503.

(3) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

Issued in Burlington, Massachusetts, on May 28, 2014.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2014–12973 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket Number: OSHA–2007–0073]

RIN 1218–AC17

Emergency Response and Preparedness

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of stakeholder meeting.

SUMMARY: OSHA invites interested parties to participate in an informal stakeholder meeting on emergency response and preparedness. OSHA plans to use the information obtained at the stakeholder meeting as it considers the development of a proposed standard for emergency response and preparedness.

DATES: Date and location for the stakeholder meeting are: July 30, 2014, at 9:00 a.m., in Washington, DC. If needed, a second session will be held July 31, 2014.

The deadline to request registration for the meeting is July 2, 2014.

ADDRESSES:

I. Registration

Submit your request to attend the stakeholder meeting by one of the following methods:

• *Electronic.* Register at *http://ersregistration.pec1.net/* (follow the instructions online).

• *Facsimile.* Fax your request to (240) 686–3959 and label it ''Attention: OSHA Emergency Response and Preparedness Stakeholder Meeting Registration.''

• *Regular or express mail, hand delivery, or messenger (courier) service.* Send your request, postmarked by July 2, to: Project Enhancement Corporation, 20300 Century Blvd. Ste. 175, Germantown, MD 20874; Attention: OSHA Emergency Response and Preparedness Stakeholder Meeting Registration.

II. Stakeholder Meeting

The stakeholder meeting will be held at the Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC, 20210.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

• *Press inquiries.* Contact Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC, 20210;

telephone: (202) 693–1999; email: *Meilinger.Francis2@dol.gov*.

• *General and technical information.* Contact Mat Chibbaro or Bill Hamilton, Fire Protection Engineers, Office of Safety Systems, OSHA Directorate of Standards and Guidance, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC, 20210; telephone: (202) 693–2255; email: *Chibbaro.Mat@dol.gov* or *Hamilton.Bill@dol.gov*.

• *Copies of this* **Federal Register** *notice*. Electronic copies are available at *http://www.regulations.gov*. This **Federal Register** notice, as well as news releases and other relevant information and documents, also are available on the OSHA Web page at *http://www.osha.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Emergency response is one of the most hazardous occupations in America (see the National Fire Protection Association report ''Firefighter Fatalities in the United States—2012'' and the 2012 Federal Emergency Management Agency report ''Firefighter Fatalities in the United States in 2012''). Emergency responders include firefighters, emergency medical service personnel, hazardous material employees, and technical rescue specialists. Also, law enforcement officers usually are considered emergency responders because they often assist in emergency response incidents. OSHA notes, however, that there are no standards issued by the Agency that specifically address occupational hazards uniquely related to law enforcement activities. Many emergency responders have cross training in these specialties, and may serve in multiple roles depending upon the type of emergency incident involved. Skilled support employees are not emergency responders, but nonetheless have specialized training that can be important to the safe and successful resolution of an emergency incident.

The Agency issued a Request for Information (RFI) (74 FR 51735, Sept. 11, 2007) that solicited comments from the public to evaluate what action, if any, the Agency should take to further address emergency response and preparedness. Recent events, such as the April 2013 tragedy in West, Texas, that killed several emergency responders, and an analysis of the information provided in response to the 2007 RFI, make it clear that emergency responder health and safety continues to be an area of ongoing concern. Accordingly, OSHA determined it would be beneficial to hold a stakeholder meeting to gather additional information. OSHA plans to use the information received in response to the 2007 RFI and obtained at this stakeholder meeting when considering a proposed standard for emergency response and preparedness.

II. Stakeholder Meeting

OSHA will conduct the stakeholder meeting as a group discussion addressing views, concerns, and issues surrounding emergency response and preparedness. To facilitate as much group interaction as possible, OSHA is not permitting formal presentations. OSHA will focus the meeting on major issues such as scope and approach. OSHA will provide participants with additional information on the major issues for discussion prior to the meeting.

III. Public Participation

The meeting will accommodate about 20 participants. Members of the general public (if registered) may observe, but not participate in, the meeting if space permits. OSHA staff will be present to take part in the discussions. PEC Solutions, Inc. (PEC) is managing the logistics for the meeting. Accordingly, PEC will provide a facilitator and compile notes summarizing the discussion; these notes will list participants and their affiliations, but will not attribute specific comments to individual speakers. PEC also will make an audio recording of each session to ensure that the summary notes are accurate, but will not transcribe these recordings. OSHA will post the summary notes in the docket for this rulemaking, Docket No. OSHA 2007–0073; the docket is available at *http://www.regulations.gov* and OSHA's Docket Office.

The meeting will take place July 30, 2014, from 9:00 a.m. to 4:00 p.m., at the Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC, 20210. Based on the number of interested participants, OSHA may hold a second meeting on July 31, 2014.

To participate in the stakeholder meeting, or to be a nonparticipating observer, you must submit a request using one of the three methods specified above under **ADDRESSES** by the deadline specified under **DATES**. OSHA will select participants to ensure a fair representation of interests and diverse viewpoints, and will send you confirmation of your registration no later than one week prior to the meeting. OSHA will not accommodate walk-in attendees at the meeting. When submitting your request, please provide the following information:

• Name, address, phone, fax, and email;

• Organization for which you work;

• Organization you represent (if different);

• Participant or nonparticipating observer; and

• Stakeholder category: public fire/rescue service, federal fire/rescue service, contract fire/rescue service, private fire brigade, emergency medical service, technical rescue, emergency management, law enforcement, other (please specify).

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice pursuant to 29 U.S.C. 653, 655, and 657, Secretary of Labor's Order No. 1–2012 (77 FR 3912; Jan. 25, 2012), and 29 CFR part 1911.

Signed at Washington, DC, on May 28, 2014.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2014–12928 Filed 6–3–14; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0290; FRL–9911–73–Region 7]

Approval and Promulgation of Implementation Plans; State of Missouri; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Missouri addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Lead (Pb), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as ''infrastructure'' SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management

program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments must be received on or before July 7, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2014–0290, by one of the following methods:

1. *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
2. *Email: bhesania.amy@epa.gov*.
3. *Mail:* Ms. Amy Bhesania, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Ms. Amy Bhesania, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

Instructions: Direct your comments to Docket ID No. EPA–R07–OAR–2014–0290. 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 through *http://www.regulations.gov* or email information that you consider to be CBI or otherwise protected. 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 should be free of any defects or viruses.

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FOR FURTHER INFORMATION CONTACT: Ms. Amy Bhesania, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551–7147; *fax number:* (913) 551–7065; *email address: bhesania.amy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we refer to EPA. This section provides additional information by addressing the following questions:

I. What is being addressed in this document?
II. What are the applicable elements under sections 110(a)(1) and (2) related to the 2008 Pb NAAQS?
III. What is EPA's approach to the review of infrastructure SIP submissions?
IV. What is EPA's evaluation of how the state addressed the relevant elements of sections 110(a)(1) and (2)?
V. What action is EPA proposing?
VI. Statutory and Executive Order Review

I. What is being addressed in this document?

EPA is proposing action on a December 20, 2011, SIP submission from Missouri that addresses the infrastructure requirements of CAA sections 110(a)(1) and (a)(2) for the 2008 Pb NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

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

II. What are the applicable elements under sections 110(a)(1) and (2) related to the 2008 Pb NAAQS?

On October 15, 2008, EPA revised the primary and secondary Pb NAAQS (hereafter the 2008 Pb NAAQS). The level of the primary (health-based) standard was revised to 0.15 micrograms per cubic meter ($\mu g/m^3$), measured as total suspended particles (TSP) and not to be exceeded with an averaging time of a rolling 3-month period. EPA also revised the secondary (welfare-based) standard to be identical to the primary standard (73 FR 66964).[1]

For the 2008 Pb NAAQS, states typically have met many of the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS. Nevertheless, pursuant to section 110(a)(1), states have to review and revise, as appropriate, their existing SIPs to ensure that they are adequate to address the 2008 Pb NAAQS. To assist states in meeting this statutory requirement, EPA issued guidance on October 14, 2011, addressing the infrastructure SIP elements required under sections 110(a)(1) and (2) for the 2008 Pb

[1] Although the effective date of the **Federal Register** notice for the final rule was January 12, 2009, the rule was signed by the Administrator and publicly disseminated on October 15, 2008. Therefore, the deadline for submittal of infrastructure SIPs for the 2008 Pb NAAQS was October 15, 2011.

NAAQS.[2] EPA will address these elements below under the following headings: (A) Emission limits and other control measures; (B) Ambient air quality monitoring/data system; (C) Program for enforcement of control measures (PSD, New Source Review for nonattainment areas, and construction and modification of all stationary sources); (D) Interstate and international transport; (E) Adequate authority, resources, implementation, and oversight; (F) Stationary source monitoring system; (G) Emergency authority; (H) Future SIP revisions; (I) Nonattainment areas; (J) Consultation with government officials, public notification, prevention of significant deterioration (PSD), and visibility protection; (K) Air quality and modeling/data; (L) Permitting fees; and (M) Consultation/participation by affected local entities.

III. What is EPA's approach to the review of infrastructure SIP submissions?

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.[3] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[4] 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.[5] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[6] 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.[7]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants, for example because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[8]

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

[2] Stephen D. Page, Director, Air Quality Policy Division, Office of Air Quality Planning and Standards, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS),'' Memorandum to EPA Regional Air Division Directors, Regions I–X, October 14, 2011 (2011 Lead Infrastructure SIP Guidance).

[3] 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.

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

[5] 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.

[6] 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).

[7] 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.

[8] 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.

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

Given the potential for ambiguity in some of the statutory language of 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.[9] EPA most recently issued guidance for infrastructure SIPs on September 13, 2013 (2013 Guidance).[10] EPA developed this document to provide states with up-to-date guidance for infrastructure SIPs for any new or revised NAAQS. While today's proposed action relies on the specific guidance issued for the 2008 Pb NAAQS, we have also considered this more recent 2013 guidance where applicable (although not specifically issued for the 2008 Pb NAAQS) and have found no conflicts between the issued guidance and review of Missouri's SIP submission. Within the 2013 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.[11] The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.

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

As another example, EPA's review of infrastructure SIP submissions with respect to the PSD program requirements in sections 110(a)(2)(C), (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 GHGs. By contrast, structural PSD program requirements do not include provisions that are not required under EPA's regulations at 40 CFR 51.166 but are merely available as an option for the state, such as the option to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS. Accordingly, the latter optional provisions are types of provisions EPA considers irrelevant in the context of an infrastructure SIP action.

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

With respect to certain other issues, EPA does not believe that an action on a state's infrastructure SIP submission is necessarily the appropriate type of action in which to address possible

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

[10] ''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.

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

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.[12] It is important to note that EPA's approval of a state's infrastructure SIP submission should not be construed as explicit or implicit re-approval of any existing potentially deficient provisions that relate to the three specific issues just described.

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

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

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[13] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[14] 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.[15]

IV. What is EPA's evaluation of how the State addressed the relevant elements of sections 110(a)(1) and (2)?

On December 20, 2011, EPA Region 7 received Missouri's infrastructure SIP submission for the 2008 Pb standard. This SIP submission became complete as a matter of law on June 20, 2012. EPA has reviewed Missouri's infrastructure SIP submission and the relevant statutory and regulatory authorities and provisions referenced in that submission or referenced in Missouri's SIP. Below is EPA's evaluation of how the state addressed the applicable elements of section 110(a)(2) for the 2008 Pb NAAQS.

(A) Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters as needed to implement, maintain and enforce each NAAQS.[16]

The Revised Statues of the State of Missouri (RSMo), otherwise referred to as Missouri's ''Air Conservation Law,'' and Missouri's Air Pollution Control Rules authorize the Missouri Department of Natural Resources (MDNR) to regulate air quality and implement air quality control regulations. Specifically, 643.030, RSMo authorizes the Air Conservation

[12] 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.

[13] 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).

[14] 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).

[15] 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).

[16] The specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirements of section 172, not the timing requirement of section 110(a)(1). Thus, section 110(a)(2)(A) does not require that states submit regulations or emissions limits specifically for attaining the 2008 Pb NAAQS. Those SIP provisions are due as part of each state's attainment plan, and will be addressed separately from the requirements of section 110(a)(2)(A). In the context of an infrastructure SIP, EPA is not evaluating the existing SIP provisions for this purpose. Instead, EPA is only evaluating whether the state's SIP has basic structural provisions for the implementation of the NAAQS.

Commission (MACC) of the State of Missouri to control air pollution, which is defined in 643.020, RSMo to include air contaminants in quantities, of characteristics and of a duration which cause or contribute to injury to human, plant, or animal life or health or to property. Missouri's Air Conservation Law, 643.050, RSMo, authorizes the MACC to classify and identify air contaminants. Missouri rule 10 CSR 10–6.020 ''Definitions and Common Reference Tables'' is also used to define terms that are necessary to classify pollutants and implement and enforce standards.

Missouri's rule 10 CSR 10–1.010 ''General Organization'' reiterates the MACC's responsibility to establish air quality control regions as well as adopt, promulgate, amend and rescind rules. Subsection (3)B of 10 CSR 10–1.010 tasks the MDNR Air Pollution Control Program with carrying out the policies of the MACC. Missouri rule 10 CSR 10–6.010 ''Ambient Air Quality Standards'' adopts the 2008 Pb standard as promulgated by EPA. In addition, section (12) of 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources'' establishes the appropriate sampling method for Pb from air pollution sources, and similarly, subsections (4)(G) and (4)(O) of 10 CSR 10–6.040 ''Reference Methods'' incorporate by reference the relevant appendices in 40 CFR part 50 for measuring and calculating the concentration of Pb in the atmosphere to determine whether the standard has been met. Therefore, Pb is an air contaminant which may be regulated under Missouri law.

Missouri's Air Conservation Law, 643.050, RSMo authorizes the MACC, among other things, to regulate the use of equipment known to be a source of air contamination and to establish emissions limitations for air contaminant sources. Specifically to create control measures for Pb, Missouri rule 10 CSR 10–6.120 ''Restriction of Emissions of Lead from Specific Lead Smelter-Refinery Installations'' provides specific Pb emission limitations for both the primary and secondary smelter operations in Missouri. Missouri also establishes timetables for compliance in its rules, as appropriate.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that the Missouri SIP adequately addresses the requirements of section 110(a)(2)(A) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, SIP submission.

(B) Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collection and analysis of ambient air quality data, and making these data available to EPA upon request.

To address this element, 643.050, RSMo provides the enabling authority necessary for Missouri to fulfill the requirements of section 110(a)(2)(B). The Air Pollution Control Program and Air Quality Analysis Section, within MDNR, implement these requirements. Along with their other duties, the monitoring program collects air monitoring data, quality assures the results, and reports the data. Further, Missouri rule 10 CSR 10–1.010(2)(D) ''General Organization'' outlines the roles, duties and obligations of the Air Pollution Control Program including those for air quality monitoring.

MDNR submits annual monitoring network plans to EPA for approval, including its Pb monitoring network, as required by 40 CFR 58.10. Prior to submission to EPA, Missouri makes the plan available for public review on MDNR's Web site at (*http://www.dnr.mo.gov/env/apcp/monitoring/monitoringnetworkplan.pdf*). MDNR also conducts five-year monitoring network assessments, including the Pb monitoring network, as required by 40 CFR 58.10(d). On November 22, 2013, EPA approved Missouri's 2013 Ambient Air Quality Monitoring Plan and on October 27, 2010, EPA approved Missouri's Five-Year Air Monitoring Network Assessment. Subsection (4)(G) of Missouri rule 10 CSR 10–6.040 ''Reference Methods'' requires that ambient concentrations of Pb be measured in accordance with the applicable Federal regulations in 40 CFR part 50, or an equivalent method as approved by EPA pursuant to 40 CFR part 53. Furthermore, Missouri submits air quality data to EPA's Air Quality System (AQS) in a timely manner, pursuant to the provisions of the state's grant work plans developed in conjunction with EPA.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that the Missouri SIP meets the requirements of section 110(a)(2)(B) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011 submission.

(C) Program for enforcement of control measures (PSD, New Source Review for nonattainment areas, and construction and modification of all stationary sources): Section 110(a)(2)(C) requires states to include the following three elements in the SIP: (1) A program providing for enforcement of all SIP measures described in section 110(a)(2)(A); (2) a program for the regulation of the modification and construction of stationary sources as necessary to protect the applicable NAAQS (i.e., state-wide permitting of minor sources); and (3) a permit program to meet the major source permitting requirements of the CAA (for areas designated as attainment or unclassifiable for the NAAQS in question).[17]

(1) *Enforcement of SIP Measures.* With respect to enforcement of requirements of the SIP, the Missouri statutes provide authority for MDNR to enforce the requirements of the Air Conservation Law, and any regulations, permits, or final compliance orders issued under the provisions of that law. For example, 643.080, RSMo authorizes MDNR to issue compliance orders for violations of the Air Conservation Law, rules promulgated thereunder (which includes rules comprising the Missouri SIP), and conditions of any permits (which include permits under SIP-approved permitting programs). Missouri Air Conservation Law 643.085, RSMo authorizes MDNR to assess administrative penalties for violations of the statute, regulations, permit conditions, or administrative orders. In addition, 643.151, RSMo authorizes the MACC to initiate civil actions for these violations, and to seek penalties and injunctive relief to prevent any further violation. The Air Conservation Law 643.191, RSMo provides for criminal penalties for known violations of the statute, standards, permit conditions, or regulations promulgated thereunder.

In addition, state regulations governing the MACC in subsection (3) of Missouri rule 10 CSR 10–1.010 ''General Organization'' reinforce the state's authority by authorizing the MACC to make investigations, make orders and determinations, and refer alleged violations to the county prosecutor or attorney general. Similarly, the director of MDNR is authorized to investigate complaints, issue abatement orders, recommend that legal action be taken by the attorney general and enforce

[17] As discussed in further detail below, this infrastructure SIP rulemaking will not address the Missouri program for nonattainment area related provisions, since EPA considers evaluation of these provisions to be outside the scope of infrastructure SIP actions.

provisions of the Air Conservation Law. Paragraph (3)(B)4.B. establishes the Air Pollution Control Program's Compliance and Enforcement section and its duties.

(2) *Minor New Source Review.* Section 110(a)(2)(C) also requires that the SIP include measures to regulate construction and modification of stationary sources to protect the NAAQS. With respect to smaller state-wide minor sources (Missouri's major source permitting program is discussed in (3) below), Missouri has a SIP-approved program under rule 10 CSR 10–6.060 ''Construction Permits Required'' to review such sources to ensure, among other requirements, that new and modified sources will not interfere with NAAQS attainment. The state rule contains two general categories of sources subject to the minor source permitting program. The first category is ''de minimis'' sources (regulated at 10 CSR 10–6.060(5))—sources that are not exempted or excluded by rule 10 CSR 10–6.061 ''Construction Permit Exemptions'' or are permitted under rule 10 CSR 10–6.062 ''Construction Permits By Rule'' and emit below specified levels defined at 10 CSR 10–6.020(3)(A) ''Definitions and Common Reference Tables.'' Permits for these sources may only be issued if any construction or modification at the source does not result in net emissions increases above ''de minimis'' levels.

The second category of minor sources are those that emit above the de minimis levels, but below the major source significance levels. Permits for these sources may only be issued after a determination, among other requirements, that the proposed source or modification would not interfere with attainment or maintenance of a NAAQS (10 CSR 10–6.060(6)).

In this action, EPA is proposing to approve Missouri's infrastructure SIP for the 2008 Pb standard with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. In this action, EPA is not proposing to approve or disapprove the state's existing minor NSR program to the extent that it is inconsistent with EPA's regulations governing this program. EPA has maintained that the CAA does not require that new infrastructure SIP submissions correct any defects in existing EPA-approved provisions of minor NSR programs in order for EPA to approve the infrastructure SIP for element (C) (*e.g.,* 76 FR 41076–41079).

(3) *Prevention of Significant Deterioration (PSD) permit program.* Missouri also has a program approved by EPA as meeting the requirements of part C, relating to prevention of significant deterioration of air quality. In order to demonstrate that Missouri has met this sub-element, this PSD program must cover requirements not just for the 2008 Pb NAAQS, but for all other regulated NSR pollutants as well. As stated in the October 14, 2011, Pb Infrastructure SIP guidance, EPA has not proposed to amend the PSD regulations with regard to the Pb NAAQS because it believes that, generally, there is sufficient guidance and regulations already in place to fully implement the revised Pb NAAQS.

In a previous action on June 21, 2013, EPA determined that that Missouri has a program in place that meets all the PSD requirements related to all other regulated NSR pollutants (78 FR 37457). Missouri has demonstrated that its PSD program covers the requirements for the Pb NAAQS and all other regulated NSR pollutants through section (8) of Missouri rule 10 CSR 10–6.060 ''Construction Permits Required.''

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, with respect to the requirements of section 110(a)(2)(C) for the 2008 Pb NAAQS, EPA is proposing to approve this element of the December 20, 2011, submission.

(D) Interstate and international transport: Section 110(a)(2)(D)(i) includes four requirements referred to as prongs 1 through 4. Prongs 1 and 2 are provided at section 110(a)(2)(D)(i)(I); prongs 3 and 4 are provided at section 110(a)(2)(D)(i)(II). Section 110(a)(2)(D)(i)(I) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment, or interfering with maintenance, of any NAAQS in another state. Section 110(a)(2)(D)(i)(II) requires SIPs to include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality or to protect visibility.

With respect to prongs 1 and 2, the physical properties of Pb prevent Pb emissions from experiencing a significant degree of travel in the ambient air. No complex chemistry is needed to form Pb or Pb compounds in the ambient air; therefore, concentrations of Pb are typically highest near Pb sources. More specifically, there is a sharp decrease in Pb concentrations as the distance from the source increases. According to EPA's report entitled *Our Nation's Air: Status and Trends Through 2010,* Pb concentrations that are not near a source of Pb are approximately 8 times less than the typical concentrations near the source (*http://www.epa.gov/airtrends/2011/report/fullreport.pdf*). EPA believes that the requirements of prongs 1 and 2 can be satisfied through a state's assessment as to whether a lead source located within its state in close proximity to a state border has emissions that contribute significantly to the nonattainment in or interfere with maintenance of the NAAQS in the neighboring state.

Missouri has two Pb nonattainment areas with sources of Pb emissions over 0.5 tons per year (tpy). The first area is the Buick/Viburnum Trend area with four Pb-emitting sources. These sources are located approximately 90 miles away from any state border and therefore do not have an impact on any other state. The other area, Herculaneum, has one source with current Pb emissions over 0.5 tpy. This source is on the banks of the Mississippi River, just across from the State of Illinois. The Herculaneum facility is the only Pb source in Missouri near enough to a state border to have the potential for an impact on another state's ambient air. For this source, in October 2010 the facility owner, The Doe Run Company, entered into a Consent Decree with EPA and MDNR to cease smelting operations at the Herculaneum facility on or before April 30, 2014.[18] On April 14, 2013, EPA received, as part of the attainment demonstration for the 2008 Pb NAAQS, modeling from MDNR. EPA has conducted an independent evaluation of the modeling, including the impacts of the facility shutdown, and agrees that the facility will not contribute significantly to nonattainment or interfere with maintenance of the 2008 Pb NAAQS in Illinois. EPA notes that this is not a determination of whether the modeling submitted by Missouri supports approval of its 2008 Pb NAAQS attainment plan, as that matter will be the subject of a future SIP action as discussed below in the analysis of *Nonattainment areas,* section 110(a)(2)(I). However, EPA has verified that the modeling was done in accordance with the necessary guidance

[18] U.S. and State of Missouri vs. Doe Run Resources Corporation, Multimedia Consent Decree, dated October 11, 2010; lodged March 11, 2013 (Civil Action No. 4:10-cv-1895–JCH).

under 40 CFR 51, appendix W (Guidance on Air Quality Models), and that the modeling demonstrated that this Pb source does not have a significant impact on Illinois.

With respect to the PSD requirements of section 110(a)(2)(D)(i)(II)—prong 3, EPA notes that Missouri's satisfaction of the applicable infrastructure SIP PSD requirements for attainment/unclassifiable areas of the 2008 Pb NAAQS have been detailed in the section addressing section 110(a)(2)(C). For sources not subject to PSD for any one of the pollutants subject to regulation under the CAA because they are in a nonattainment area for a NAAQS, Missouri has adopted the nonattainment new source review (NNSR) provisions required for the 2008 Pb NAAQS through section (7) of Missouri rule, 10 CSR 10–6.060, ''Construction Permits Required.'' EPA also notes that the proposed action in that section related to PSD is consistent with the proposed approval related to PSD for section 110(a)(2)(D)(i)(II).

With regard to the applicable requirements for visibility protection of section 110(a)(2)(D)(i)(II)—prong 4, significant impacts from Pb emissions from stationary sources are expected to be limited to short distances from the source and most, if not all, Pb stationary sources are located at distances from Class I areas such that visibility impacts would be negligible. Although Pb can be a component of coarse and fine particles, Pb generally comprises a small fraction of coarse and fine particles. Furthermore, when evaluating the extent that Pb could impact visibility, Pb-related visibility impacts were found to be insignificant (e.g., less than 0.10%).[19]

Section 110(a)(2)(D)(ii) also requires that the SIP insure compliance with the applicable requirements of sections 126 and 115 of the CAA, relating to interstate and international pollution abatement, respectively.

Section 126(a) of the CAA requires new or modified sources to notify neighboring states of potential impacts from sources within the state. Missouri regulations require that affected states receive notice prior to the commencement of any construction or modification of a source. Missouri's rule 10 CSR 10–6.060(6), ''Construction Permits Required'' requires that the review of all PSD permit applications follow the procedures of section (12)(A), Appendix A. Appendix A, in turn, requires that the permitting authority shall issue a draft permit for public comment, with notification to affected states on or before the time notice is provided to the public. In addition, no Missouri source or sources have been identified by EPA as having any interstate impacts under section 126 in any pending actions relating to any air pollutant.

Section 115 of the CAA authorizes EPA to require a state to revise its SIP under certain conditions to alleviate international transport into another country. There are no final findings under section 115 of the CAA against Missouri with respect to any air pollutant. Thus, the state's SIP does not need to include any provisions to meet the requirements of section 115.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has the adequate infrastructure needed to address sections 110(a)(2)(D)(i)(II)—prongs 1 through 4 and 110(a)(2)(D)(ii) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

(E) Adequate authority, resources, implementation, and oversight: Section 110(a)(2)(E) requires that SIPs provide for the following: (1) Necessary assurances that the state (and other entities within the state responsible for implementing the SIP) will have adequate personnel, funding, and authority under state or local law to implement the SIP, and that there are no legal impediments to such implementation; (2) requirements that the state comply with the requirements relating to state boards, pursuant to section 128 of the CAA; and (3) necessary assurances that the state has responsibility for ensuring adequate implementation of any plan provision for which it relies on local governments or other entities to carry out that portion of the plan.

(1) Section 110(a)(2)(E)(i) requires states to establish that they have adequate personnel, funding and authority. With respect to adequate authority, we have previously discussed Missouri's statutory and regulatory authority to implement the 2008 Pb NAAQS, primarily in the discussion of section 110(a)(2)(A) above. Neither Missouri nor EPA has identified any legal impediments in the state's SIP to implementation of the NAAQS.

With respect to adequate resources, MDNR asserts that it has adequate personnel to implement the SIP. The infrastructure SIP submission for the 2008 Pb NAAQS describes the regulations governing the various functions of personnel within the Air Pollution Control Program, including the Administration, Technical Support (Air Quality Analysis), Planning, Enforcement, and Permit Sections of the program (10 CSR 10–1.010(2)(D) ''Ambient Air Quality Standards'').

With respect to funding, the Air Conservation Law requires the MACC to establish an annual emissions fee for sources in order to fund the reasonable costs of administering various air pollution control programs. The Air Conservation Law, 643.079, RSMo provides for the deposit of the fees into various subaccounts (e.g., a subaccount for the Title V operating permit program used for Title V implementation activities; a subaccount for non-Title V air pollution control program activities). The state uses funds in the non-Title V subaccounts, along with general revenue funds and EPA grants under, for example, sections 103 and 105 of the CAA, to fund the programs. EPA conducts periodic program reviews to ensure that the state has adequate resources and funding to, among other things, implement the SIP.

With respect to authority, Chapter 643, RSMo provides the authority necessary to carry out the SIP requirements as referenced above in element A.

(2) Conflict of interest provisions—section 128. Section 110(a)(2)(E)(ii) requires that each state SIP meet the requirements of section 128, relating to representation on state boards and conflicts of interest by members of such boards. Section 128(a)(1) requires that any board or body which approves permits or enforcement orders under the CAA must have at least a majority of members who represent the public interest and do not derive any ''significant portion'' of their income from persons subject to permits and enforcement orders under the CAA. Section 128(a)(2) requires that members of such a board or body, or the head of an agency with similar powers, adequately disclose any potential conflicts of interest.

On June 21, 2013, EPA approved Missouri's SIP revision addressing the section 128 requirements (78 FR 37457). For a detailed discussion on EPA's analysis of how Missouri meets the section 128 requirements, see EPA's April 10, 2013, proposed approval of Missouri's 1997 and 2006 $PM_{2.5}$ infrastructure SIP (78 FR 21281).

(3) With respect to assurances that the state has responsibility to implement the SIP adequately when it authorizes local or other agencies to carry out

[19] Analysis by Mark Schmidt, OAQPS, ''Ambient Pb's Contribution to Class I Area Visibility Impairment,'' June 17, 2011.

portions of the plan, 643.190, RSMo designates the MDNR as the air pollution control agency ''for all purposes'' of the CAA. Although 643.140, RSMo authorizes the MACC to grant local governments such as cities or counties authority to carry out their own air pollution control programs, the MACC retains authority to enforce the provisions of Missouri's Air Conservation Law in these local areas, notwithstanding any such authorization (643.140.4, RSMo). The MACC may also suspend or repeal the granting of authority if the local government is enforcing any local rules in a manner inconsistent with state law (643.140.10, RSMo).

There are three local air agencies that conduct air quality work in Missouri: Kansas City, Springfield/Greene County and St. Louis County. The MDNR's Air Pollution Control Program has a signed Memorandum of Understanding (MOU) with Kansas City and Springfield/Greene County and a draft agreement for St. Louis County (to be finalized) which outlines the responsibilities for air quality activities with each local agency. The MDNR Air Program oversees the activities of the local agencies to ensure adequate implementation of the Missouri SIP. EPA conducts reviews of the local program activities in conjunction with its oversight of the state program.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has the adequate infrastructure needed to address section 110(a)(2)(E) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011 submission.

(F) Stationary source monitoring system: Section 110(a)(2)(F) requires states to establish a system to monitor emissions from stationary sources and to submit periodic emission reports. Each SIP shall require the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources, to monitor emissions from such sources. The SIP shall also require periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and requires that the state correlate the source reports with emission limitations or standards established under the CAA. These reports must be made available for public inspection at reasonable times.

To address this element, 643.050.1(3)(a) of the Air Conservation Law authorizes the MACC to require persons engaged in operations which result in air pollution to monitor or test emissions and to file reports containing information relating to rate, period of emission and composition of effluent, and 643.192.2, RSMo requires an annual report that summarizes changes in air quality measured by MDNR and local and county air pollution control agencies. Missouri rule 10 CSR 10–6.030 ''Sampling Methods for Air Pollution Sources'' incorporates various EPA reference methods for sampling and testing source emissions, including methods for Pb emissions. The Federal test methods are in 40 CFR part 60, appendix A. Using these particular reference methods for Pb emissions, 10 CSR 10–6.120 ''Restriction of Emissions of Lead From Specific Lead Smelter-Refinery Installations'' has stack testing and reporting requirements for certain stationary sources of Pb emissions in Missouri.

Missouri rule 10 CSR 10–6.110 ''Reporting & Emission Data, Emission Fees, and Process Information'' also requires monitoring of emissions and filing of periodic reports on emissions (see (4)(A) for the specific information required). Missouri uses this information to track progress towards maintaining the NAAQS, developing control and maintenance strategies, identifying sources and general emission levels, and determining compliance with emission regulations and additional EPA requirements. Missouri makes this information available to the public (10 CSR 10–6.110(3)(D)). Missouri rule 10 CSR 10–6.210 ''Confidential Information,'' specifically excludes emissions data from confidential treatment. Under that rule emissions data includes the results of any emissions testing or monitoring required to be reported by sources under Missouri's air pollution control rules (10 CSR 10–6.210(3)(B)2).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has the adequate infrastructure needed to address section 110(a)(2)(F) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

(G) Emergency authority: Section 110(a)(2)(G) requires SIPs to provide for authority to address activities causing imminent and substantial endangerment to public health or welfare or the environment (comparable to the authorities provided in section 303 of the CAA), and to include contingency plans to implement such authorities as necessary.

The Air Conservation Law, 643.090.1, RSMo authorizes the MACC or the director of MDNR to declare an emergency where the ambient air, ''due to meteorological conditions and a buildup of air contaminants'' in Missouri, may present an ''emergency risk to the public health, safety, or welfare.'' The MACC or director may, with the written approval of the governor, by order prohibit, restrict or condition all sources of air contaminants contributing to the emergency condition, during such periods of time necessary to alleviate or lessen the effects of the emergency condition. The statute also enables the MACC to promulgate implementing regulations. Even in the absence of an emergency condition, 643.090.2, RSMo also authorizes the MACC or the director to issue ''cease and desist'' orders to any specific person who is either engaging or may engage in activities which involve a significant risk of air contamination or who is discharging into the ambient air any air contaminant, including Pb, and such activity or discharge presents a clear and present danger to public health or welfare. Missouri rule 10 CSR 10–1.010 ''General Organization'' enlists the MACC to develop, and the director to enact, air pollution emergency alert procedures.

Based on EPA's experience to date with the Pb NAAQS and designated Pb nonattainment areas, EPA expects that such an event would be unlikely and, if it were to occur, would be the result of a malfunction or other emergency situation at a relatively large source of Pb. Accordingly, EPA believes that the central components of a contingency plan would be to reduce emissions from the source at issue (if necessary, by curtailing operations) and public communication as needed. EPA believes that Missouri's statutes referenced above provide the requisite authority to the MACC and the director of MDNR to address such situations.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in that submission or referenced in Missouri's SIP, EPA believes that the Missouri SIP adequately addresses section 110(a)(2)(G) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

(H) Future SIP revisions: Section 110(a)(2)(H) requires states to have the authority to revise their SIPs in response to changes in the NAAQS, availability of

improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate to attain the NAAQS.

In addition to the MACC's general enabling authority in 643.050, RSMo of the Air Conservation Law, discussed previously in element (A), 643.055.1, RSMo grants the MACC and MDNR authority to promulgate rules and regulations to establish standards and guidelines, to ensure that Missouri complies with the provisions of the Federal CAA. Missouri's rule 10 CSR 10–1.010(2) ''General Organization'' grants similar powers to MDNR. This includes the authority to submit SIP revisions to the EPA for approval as necessary to respond to a revised NAAQS and to respond to EPA findings of substantial inadequacy (*e.g.,* 71 FR 46860 (August 15, 2006), in which EPA approved Missouri rules promulgated in response to EPA's NO_X SIP call for Missouri and other states).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has adequate authority to address section 110(a)(2)(H) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

(I) Nonattainment areas: Section 110(a)(2)(I) requires that in the case of a plan or plan revision for areas designated as nonattainment areas, states must meet applicable requirements of part D of the CAA, relating to SIP requirements for designated nonattainment areas.

As noted earlier, EPA does not expect infrastructure SIP submissions to address subsection (I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I, part D, are subject to different submission schedules than those for section 110 infrastructure elements. Instead, EPA will take action on part D attainment plan SIP submissions through a separate rulemaking governed by the requirements for nonattainment areas, as described in part D.

(J) Consultation with government officials, public notification, PSD and visibility protection: Section 110(a)(2)(J) requires SIPs to meet the applicable requirements of the following CAA provisions: (1) Section 121, relating to interagency consultation regarding certain CAA requirements; (2) section 127, relating to public notification of NAAQS exceedances and related issues; and (3) part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection.

(1) With respect to interagency consultation, the SIP should provide a process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any Federal Land Manager having authority over Federal land to which the SIP applies. Section 643.050.3 RSMo of the Missouri Air Conservation Law requires the MACC to consult and cooperate with other Federal and state agencies, and with political subdivisions, for the purpose of prevention, abatement, and control of air pollution. Missouri also has appropriate interagency consultation provisions in its preconstruction permit program. For instance, Missouri rule 10 CSR 10–6.060(12)(B)2.E ''Construction Permits Required'' requires that when a permit goes out for public comment, the permitting authority must provide notice to local air pollution control agencies, the chief executive of the city and county where the installation or modification would be located, any comprehensive regional land use planning agency, any state air program permitting authority, and any Federal Land Manager whose lands may be affected by emissions from the installation or modification.

(2) With respect to the requirements for public notification in section 127, the infrastructure SIP should provide citations to regulations in the SIP requiring the air agency to regularly notify the public of instances or areas in which any NAAQS are exceeded; advise the public of the health hazard associated with such exceedances; and enhance public awareness of measures that can prevent such exceedances and of ways in which the public can participate in the regulatory and other efforts to improve air quality. Missouri rule 10 CSR 10–6.130 ''Controlling Emissions During Episodes of High Air Pollution Potential,'' discussed previously in connection with the state's authority to address emergency episodes, contains provisions for public notification of various air pollutant levels, and measures which can be taken by the public to reduce concentrations. In addition, information regarding air pollution and related issues, is provided on an MDNR Web site, *http://www.dnr.missouri.gov/env/apcp/index.html.*

(3) With respect to the applicable requirements of part C of the CAA, relating to prevention of significant deterioration of air quality and visibility protection, as noted in above under element (C), the Missouri SIP meets the PSD requirements, incorporating the Federal rule by reference. With respect to the visibility component of section 110(a)(2)(J), EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. However, when EPA establishes or revises a NAAQS, these visibility and regional haze requirements under part C do not change. EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to element J after the promulgation of a new or revised NAAQS.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has met the applicable requirements of section 110(a)(2)(J) for the 2008 Pb NAAQS in the state and is therefore proposing to approve this element of the December 20, 2011, submission.

(K) Air quality and modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling, as prescribed by EPA, to predict the effects on ambient air quality of any emissions of any NAAQS pollutant, and for submission of such data to EPA upon request.

Missouri has authority to conduct air quality modeling and report the results of such modeling to EPA. Section 643.050 of the Air Conservation Law provides the MACC with the general authority to develop a general comprehensive plan to prevent, abate and control air pollution. Missouri's Air Conservation Law 643.055, RSMo grants the MACC the authority to promulgate rules and regulations to establish standards and guidelines to ensure that Missouri is in compliance with the provisions of the CAA. As an example of regulatory authority to perform modeling for purposes of determining NAAQS compliance, Missouri rule 10 CSR 10–1.010(3)(B)4.D ''General Organization'' establishes the air quality modeling and air quality analysis functions for the Air Program. In addition, Missouri regulation 10 CSR 10–6.060(12)(F) ''Construction Permits Required'' requires the use of EPA-approved air quality models (e.g., those found in 40 CFR part 51, appendix W) for construction permitting. Rule 10 CSR 10–6.110(4) ''Reporting & Emission Data, Emission Fees, and Process Information'' requires specified sources of air pollution to report emissions to MDNR, which among other purposes

may be utilized in modeling analyses. These data are available to any member of the public, upon request (10 CSR 10–6.110(3)(D)).

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has the adequate infrastructure needed to address section 110(a)(2)(K) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

(L) Permitting Fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to the permitting authority, as a condition of any permit required under the CAA, to cover the cost of reviewing and acting upon any application for such a permit, and, if the permit is issued, the costs of implementing and enforcing the terms of the permit. The fee requirement applies until a fee program established by the state pursuant to Title V of the CAA, relating to operating permits, is approved by EPA.

Section 643.079 of the Air Conservation Law provides authority for MDNR to collect permit fees, including Title V fees. EPA approved Missouri's Title V program in May 1997 (*see* 62 FR 26405). The permit application fees are codified in Missouri rule 10 CSR 10–6.065 ''Operating Permits.'' In addition to the fees directly related to implementation and enforcement of Missouri's Title V program, additional construction permit fees are assessed and collected per state rule 10 CSR 10–6.060 ''Construction Permits Required.'' EPA reviews the Missouri Title V program, including Title V fee structure, separately from this proposed action. Because the Title V program and associated fees legally are not part of the SIP, the infrastructure SIP action we are proposing today does not preclude EPA from taking future action regarding Missouri's Title V program.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that the requirements of section 110(a)(2)(L) are met and is proposing to approve this element of the December 20, 2011, submission.

(M) Consultation/participation by affected local entities: Section 110(a)(2)(M) requires SIPs to provide for consultation and participation by local political subdivisions affected by the SIP.

Missouri's Air Conservation Law 643.050.3, RSMo requires that the MACC encourage political subdivisions to handle air pollution control problems within their respective jurisdictions to the extent possible and practicable, and to provide assistance to those political subdivisions. The MACC is also required to advise, consult and cooperate with other political subdivisions in Missouri. The Air Conservation Law 643.140, RSMo, provides the mechanism for local political subdivisions to enact and enforce their own air pollution control regulations, subject to the oversight of the MACC. As directed in subparagraph (2)(D)4.B. of Missouri rule 10 CSR 10–1.010 ''General Organization,'' the Air Quality Planning Section must meet all ''public participation requirements of state and Federal laws for rulemaking and SIP revisions.'' The MDNR's Air Pollution Control Program has a signed Memorandum of Understanding (MOU) with Kansas City and Springfield/Greene County and a draft agreement with St. Louis County (to be finalized) which outlines the responsibilities for air quality activities with each local agency. In addition, MDNR participates in community meetings and consults with and participates in interagency consultation groups such as the Metropolitan Planning Organizations in both Kansas City and St. Louis. In Kansas City, MDNR works with the Mid-America Regional Council, and in St. Louis, MDNR works with East-West Gateway Coordinating Council of Governments.

Based upon review of the state's infrastructure SIP submission for the 2008 Pb NAAQS, and relevant statutory and regulatory authorities and provisions referenced in the submission or referenced in Missouri's SIP, EPA believes that Missouri has the adequate infrastructure needed to address section 110(a)(2)(M) for the 2008 Pb NAAQS and is proposing to approve this element of the December 20, 2011, submission.

V. What action is EPA proposing?

EPA is proposing to approve the December 20, 2011, infrastructure SIP submission from Missouri which addresses the requirements of CAA sections 110(a)(1) and (2) as applicable to the 2008 Pb NAAQS. Specifically, EPA is proposing to approve the following infrastructure elements, or portions thereof: 110(a)(2)(A), (B), (C), (D)(i)(I), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). As discussed in each applicable section of this rulemaking, EPA is not proposing action on section 110(a)(2)(I)—Nonattainment Area Plan or Plan Revisions Under Part D and on the visibility protection portion of section 110(a)(2)(J).

Based upon review of the state's infrastructure SIP submission and relevant statutory and regulatory authorities and provisions referenced in this submission or referenced in Missouri's SIP, EPA believes that Missouri has the infrastructure to address all applicable required elements of sections 110(a)(1) and (2) (except otherwise noted) to ensure that the 2008 Pb NAAQS are implemented in the state.

We are hereby soliciting comment on this proposed action. Final rulemaking will occur after consideration of any comments.

VI. Statutory and Executive Order Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves 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'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

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

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

In addition, this rulemaking 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.

Statutory Authority

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

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

Dated: May 16, 2014.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2014–12912 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2014–0012]

RIN 2127–AK95

Federal Motor Vehicle Safety Standards; Child Restraint Systems—Side Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document reopens the comment period for a notice of proposed rulemaking (NPRM) published January 28, 2014. The NPRM proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child restraint systems,'' to adopt side impact performance requirements for all child restraint systems designed to seat children in a weight range that includes weights up to 18 kilograms (kg) (40 pounds (lb)). The original comment period closed April 28, 2014. In response to a petition from the Juvenile Products Manufacturers Association, NHTSA is reopening the comment closing date for 120 days.

DATES: The comment closing date for the January 28, 2014 NPRM (Docket No. NHTSA–2014–0012; 79 FR 4570) is October 2, 2014.

ADDRESSES: You may submit comments to Docket No. NHTSA–2014–0012 by any of the following methods:

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

• *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

• *Fax:* (202) 493–2251.

Regardless of how you submit your comments, please mention the docket number of the January 28, 2014 NPRM.

You may also call the Docket at 202–366–9324.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the discussion under the Public Participation heading of the January 28, 2014 NPRM (79 FR 4570). Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

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 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For technical issues, you may call Cristina Echemendia, Office of Crashworthiness Standards, (Telephone: 202–366–6345) (Fax: 202–493–2990). For legal issues, you may call Deirdre Fujita, Office of Chief Counsel (Telephone: 202–366–2992) (Fax: 202–366–3820). Mailing address: National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On January 28, 2014, NHTSA published an NPRM proposing to amend FMVSS No. 213, ''Child restraint systems,'' to adopt side impact performance requirements for all child restraint systems (CRSs) designed to seat children in a weight range that includes weights up to 18 kg (40 lb) (79 FR 4570). Frontal and side crashes account for most child occupant fatalities. Standard No. 213 currently requires child restraints to meet a dynamic test simulating a 48.3 kilometers per hour (30 miles per hour) frontal impact. The January 2014 proposal would require an additional test in which such child restraints must protect the child occupant in a dynamic test simulating a full-scale vehicle-to-vehicle side impact.

Under the NPRM, child restraints would be tested with a newly-developed instrumented side impact test dummy representing a 3-year-old child, called the ''Q3s'' dummy, and with a well-established 12-month-old child test dummy (the Child Restraint Air Bag Interaction (CRABI) dummy). NHTSA published an NPRM proposing to amend our regulation for anthropomorphic test devices (ATDs), 49 CFR Part 572, to add specifications for the Q3s (78 FR 69944; November 21, 2013). The CRABI dummy's specifications are already incorporated into 49 CFR Part 572, in Subpart R.

NHTSA issued the January 28, 2014 NPRM to ensure that child restraints subject to the rulemaking effectively restrain the child occupant in a side impact, prevent harmful head contact with an intruding vehicle door or child restraint structure, and attenuate crash forces to the child's head and chest. The NPRM also responded to a statutory mandate set forth in the ''Moving Ahead for Progress in the 21st Century Act'' (July 6, 2012), directing the Secretary of Transportation to issue a final rule amending FMVSS No. 213 to improve the protection of children seated in child restraint systems during side impacts.

NHTSA provided a three-month comment period for the January 2014 proposal, which closed April 28, 2014.

Petition

The Juvenile Products Manufacturers Association (JPMA) submitted a March 7, 2014 petition to extend the comment period for the January 2014 NPRM 120 days ''to allow JPMA member companies the opportunity to have access to the proposed Q3s 3-year-old side impact ATD for use in their

testing.'' JPMA believes that the original three-month comment period was too short to enable manufacturers ''to thoroughly evaluate the potential implications'' of the proposed rule and to ''provide constructive feedback to NHTSA.''

Moreover, JPMA states that the Q3s dummy's availability from the dummy manufacturer has been limited. ''Without the ability to inspect, observe and learn about [the Q3s's] performance strengths and limitations, particularly in regard to its repeatability and reproducibility characteristic, our CRS manufacturing members are seriously limited in our ability to comment in the time period prescribed in the current NPRM.'' The petitioner notes that a test laboratory has indicated that it will be able to start testing with a Q3s in March, but there is ''a substantial waiting list in place amongst the manufacturers'' to undergo testing of their products at that lab and elsewhere. JPMA requests an additional 120 days to comment to undertake testing and to evaluate the Q3s and to ''provide substantive and quantifiable data back to NHTSA.''

Agency Decision

In accordance with NHTSA's rulemaking procedures in 49 CFR Part 553, Subpart B, the agency is granting JPMA's request. (Because the comment period has closed, we are not extending it but instead we are reopening it for 120 days.) We have determined that the petitioner has shown good cause for having more time to comment, and that reopening the comment period is consistent with the public interest (see 49 CFR 553.19).

NHTSA has confirmed that the Q3s dummy was generally unavailable from the dummy manufacturer until recently. Given that information, we agree that reopening the comment period for 120 days is reasonable, since many child restraint manufacturers cannot arrange to have their products tested concurrently but will have to wait for their turn at test facilities to have their products evaluated. Time is needed to accommodate the wait, to conduct the testing, to evaluate the data, and to draft and submit comments on the rulemaking. We believe that 120 days provides a reasonable time period to accomplish this.

Accordingly, the public comment period for Docket No. NHTSA–2014–0012 is reopened as indicated in the **DATES** section of this document.

Please note that even after the comment closing date has passed, NHTSA will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments, which NHTSA will consider to the extent possible. Accordingly, the agency recommends that readers periodically check the Docket for new material.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

Claude H. Harris,

Acting Associate Administrator for Rulemaking.

[FR Doc. 2014–12899 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 79, No. 107

Wednesday, June 4, 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 29, 2014.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. 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, Washington, DC; 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 July 7, 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.

Agricultural Marketing Service

Title: Regulations for Voluntary Grading of Shell Eggs, Poultry Products and Rabbit Products—7 CFR Part 56 and 70.

OMB Control Number: 0581–0128.

Summary of Collection: The Agricultural Marketing Act of 1946 (60 Stat. 1087–1091, as amended; 7 U.S.C. 1621–1627) (AMA) directs and authorizes the Department to develop standards of quality, grades, grading programs, and services to enable a more orderly marketing of the corresponding agricultural products so trading may be facilitated and so consumers may be able to obtain products graded and identified under USDA programs. The Agricultural Marketing Service (AMS) carries out regulations in 7 CFR Part 56 and 70 which provides a voluntary program for grading shell eggs, poultry products and rabbit products on the basis of U.S. standards, grades, and weight classes. This program is made available to respondents who would need to request or apply for the specific service they wish on a user fee-for-service basis.

The agency is merging approved 0581–0127 burden in with the renewal of this collection. Upon approval of 0581–0128 a discontinuation notice for 0581–0127 will be submitted to OMB.

Need and Use of the Information: Using forms PY–32, PY–33, PY–100, PY–157, PY–240P, PY–240S, PY–210P, PY–210S and PY–518–1 information is collected only from respondents who elect to utilize this voluntary user fee-for-service. Only authorized representatives of the USDA use the information collected. The information is used to administer, conduct and carry out the grading services requested by the respondents. If the information were not collected, the agency would not be able to provide the voluntary grading services authorized and requested by Congress, provide the types of services requested by industry, administer the program, ensure properly grade-labeled products, calculate the cost of the service or collect for the cost furnishing service.

Description of Respondents: Business or other for profit, Farms.

Number of Respondents: 1,348.

Frequency of Responses: Reporting: On occasion; Semi-annually; Monthly; Annually; Other (daily).

Total Burden Hours: 7,259.

Agricultural Marketing Service

Title: USDA Farmers Market Application.

OMB Control Number: 0581–0229.

Summary of Collection: The Agricultural Marketing Act of 1946 (7 U.S.C. 1622(n) authorizes the Secretary to conduct services and to perform activities that will facilitate the marketing and utilization of agricultural products through commercial channels. The Agricultural Marketing Service (AMS) is authorized to implement established regulations and procedures under 7 CFR part 170 for AMS to operate the U.S. Department of Agriculture (USDA) Farmers Market, specify vendor criteria and selection procedures, and define guidelines to be used for governing the USDA Farmers Market annually.

Need and Use of the Information: Information will be collected on form TM–28, ''USDA Farmers Market Application.'' The application was developed to ensure a uniform and fair process for deciding which farm operations are allowed to participate in the market, as well as ensure diversity of product for consumers. The Program has expanded to a year-round market. The Summer/Outdoor market season is from June through November and the Winter/Indoor market season operates from December through May. AMS will collect information to review the type of products available for sale and selecting participants for the annual market season. The information collected consists of (1) certification that the applicant is the owner or a representative of the farm or business; (2) name(s), address, telephone number and email address; (3) farm or business location; (4) types of products grown; (5) business practices; and (6) insurance coverage.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 30.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 60.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–12896 Filed 6–3–14; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 29, 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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: 7 CFR Part 1744, Subpart B, Lien Accommodations and Subordination Policy.

OMB Control Number: 0572–0126.

Summary of Collection: Recent changes in the telecommunications industry, including deregulation and technological developments, have caused Rural Utilities Service (RUS) borrowers and other organizations providing telecommunications services to consider undertaking projects that provide new telecommunications services and other telecommunications services not ordinarily financed by RUS. To facilitate the financing of those projects and services, RUS is willing to consider accommodating the Government's lien on telecommunications borrowers' systems in an expedited manner based on the financial strength of the borrowers' operations. The RUS telecommunication program provides loans to borrowers at interest rates and on terms that are more favorable than those generally available from the private sector.

Need and Use of the Information: Depending on the purposes for which a lien accommodation is sought, RUS will use the information to provide ''automatic'' approval for borrowers that meet the financial tests. These tests are designed to ensure that the financial strength of the borrower is more than sufficient to protect the government's loan security interests; hence, the lien accommodations will not adversely affect the government's financial interests.

Description of Respondents: Business or other for-profit; Not for-profit institutions.

Number of Respondents: 3.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2.

Rural Utilities Service

Title: Public Television Digital Transition Grant Program.

OMB Control Number: 0572–0134.

Summary of Collection: Beginning in 2003 the Omnibus Appropriations Act (Pub. L. 108–7) provided grant funds in the Distance Learning and Telemedicine Grant Program budget, the Consolidated Appropriations Act (Pub. L. 108–199) and the Consolidated Appropriations Act, 2005 (Pub. L. 108–447) provided additional funds for public broadcasting systems to meet the digital transition. As part of the nation's transition to digital television, the Federal Communications Commission (FCC) required all television broadcasters to initiate the broadcast of a digital television signal and to cease analog television broadcasts on February 18, 2009. While stations must broadcast its main transmitter signal in digital, many rural stations often have translators serving small or isolated areas and some of these have not completed the transition to digital or fully converted its production and studio equipment to digital. Because the FCC deadline did not apply to translators, they are allowed to continue broadcasting in analog. The digital transition also created some service gaps where households receiving an analog signal cannot receive a digital signal. For these reasons the grant program has continued past the FCC digital transition deadline of June 2009. The Rural Utilities Service (RUS) will develop and issue requirements for the grant program to finance the conversion of television services from analog to digital broadcasting for public television stations serving rural areas.

Need and Use of the Information: Applicants will submit grant applications to RUS for review. The information will consist of the following: Standard Form (SF) 424, ''Application for Federal Assistance'', executive summary, evidence of eligibility and compliance with other Federal statutes and any other supporting documentation. RUS will use the information to score and rank applications for funding. Scoring will consist of three categories: Rurality; economic need as measured by eligibility for National School Lunch Program participation; and critial need, which measures special disadvantaging factors facing the station's transition plans. If this information is not collected, there would be no basis for awarding grant funding.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 30.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 714.

Rural Utilities Service

Title: 7 CFR 1783, Revolving Fund Program.

OMB Control Number: 0572–0138.

Summary of Collection: Section 6002 of the Farm Security and Rural Investment Act of 2002 amended the Consolidated Farm and Rural Development Act by adding a grant program that established the Revolving Fund Program (RFP) to assist communities with water or wastewater systems. Qualified private non-profit organizations will receive RFP grant funds to establish a revolving loan fund. Loans will be made to eligible entities

to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems.

Need and Use of the Information: Non-profit organizations applying for the RFP grant(s) must submit an application package that includes an application form, narrative proposal (work plan), various other forms, certifications, and supplemental information. The Rural Development State Offices and the Rural Utilities Service National Office staff will use the information collected to determine applicant eligibility, project feasibility, and the applicant's ability to meet the grant and regulatory requirements. Grant recipients will set up a revolving loan fund to provide loans to finance predevelopment costs of water or wastewater projects, or short-term small capital projects not part of the regular operation and maintenance of current water and wastewater systems.

Description of Respondents: Not-for-profit institutions.

Number of Respondents: 5.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 374.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2014–12897 Filed 6–3–14; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0095]

Notice of Affirmation of Addition of a Treatment Schedule for Methyl Bromide Fumigation of Kumquat

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are affirming our earlier determination that it was necessary to immediately add to the Plant Protection and Quarantine Treatment Manual a treatment schedule for methyl bromide fumigation of kumquats to control certain fruit flies. In a previous notice, we made available to the public for review and comment a treatment evaluation document that described the new treatment schedule and explained why we have determined that it is effective at neutralizing fruit flies.

DATES: Effective on June 4, 2014, we are affirming the addition to the Plant Protection and Quarantine Treatment Manual of the treatment described in the notice published at 79 FR 4867–4868 on January 30, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. Marc Phillips, Senior Regulatory Policy Specialist with Regulations, Permits and Manuals, PPQ, APHIS, 4700 River Road, Unit 135, Riverdale, MD 20737–1236; (301) 851–2114.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in part 305 of 7 CFR chapter III (referred to below as the regulations) set out standards for treatments required in parts 301, 318, and 319 of 7 CFR chapter III for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out a process for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

In accordance with § 305.3(b), we published a notice[2] in the **Federal Register** on January 30, 2014 (79 FR 4867–4868, Docket No. APHIS–2013–0095), announcing our determination that a new methyl bromide fumigation treatment schedule to control the fruit flies *Ceratitis capitata* and *Anastrepha fraterculus* on kumquat (*Fortunella japonica*) is effective, based on evidence presented in a treatment evaluation document (TED) we made available with the notice. We also determined that ongoing trade in kumquat would be adversely impacted unless the new treatment is approved for use. The treatment was added to the PPQ Treatment Manual, but was subject to change based on public comment. The notice also made available a finding of no significant impact based on an environmental assessment prepared in connection with the authorization of the importation of kumquats from Uruguay.

We solicited comments on the notice for 60 days ending on March 31, 2014. We received one comment by that date, from a private citizen. The commenter objected to the use of methyl bromide fumigation in general but did not present any evidence indicating that the treatment schedule described in the TED was not effective at neutralizing fruit flies.

Therefore, in accordance with the regulations in § 305.3(b)(3), we are affirming our addition of a methyl bromide treatment schedule for kumquats to control certain fruit flies, as described in the TED made available with the previous notice. The treatment schedule is numbered T101–n–3. The treatment schedule will be listed in the PPQ Treatment Manual, which is available as described in footnote 1 of this document.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 29th day of May 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–13008 Filed 6–3–14; 8:45 am]

BILLING CODE 3410–34–P

[1] The Treatment Manual is available on the Internet at *http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

[2] To view the notice, the treatment evaluation document, the finding of no significant impact, and the comment we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0095.*

DEPARTMENT OF AGRICULTURE

Forest Service

Dixie Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Dixie Resource Advisory Committee (RAC) will meet in Cedar City, Utah. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meetings are open to the public. The purpose of the meetings is to review project proposals and recommend funding.

DATES: The meetings will be held at 9:00 a.m. on the following dates:

- July 8, 2014
- July 9, 2014
- July 10, 2014

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Dixie National Forest (NF) Supervisor's Office, SO Conference Room, 1789 North Wedgewood Lane, Cedar City, Utah. The meeting will also be available by video teleconference at:

- Pine Valley Ranger District, Conference Room, 196 East Tabernacle, St. George, Utah;
- Powell Ranger District, Conference Room, 225 East Center, Panguitch, Utah; and
- Escalante Ranger District Conference Room, 755 West Center, Escalante, Utah.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Dixie NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Janice Minarik, RAC Coordinator, by phone at 435–865–3794 or via email at *jminarik@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/Web_Documents/F4E0A783899A0A3488256CDE005A26C6?OpenDocument.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by July 1, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Janice Minarik, RAC Coordinator, Dixie NF Supervisor's Office, 1789 North Wedgewood Lane, Cedar City, Utah 84721; by email to *jminarik@fs.fed.us,* or via facsimile to 435–865–3791.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 29, 2014.

Angelita S. Bulletts,

Forest Supervisor.

[FR Doc. 2014–12926 Filed 6–3–14; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will meet in Ketchikan, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. The meeting is open to the public. The purpose of the meeting is to review current projects and recommend future projects.

DATES: The meeting will be held on June 26, 2014 at 5 p.m. All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Ketchikan Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska.

Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fiords Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Diane L. Daniels, RAC Coordinator, by phone at 907–228–4105 or via email at *ddaniels@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed above.

SUPPLEMENTARY INFORMATION: Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://wwwfs.usda.gov/tongasst.* The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 20, 2014 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Diane L. Daniels, RAC Coordinator, Ketchikan

Misty Fiords Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901; by email to *ddaniels@fs.fed.us,* or via facsimile to 907–225–8738.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 21, 2014.

Jeffrey Defreest,

District Ranger.

[FR Doc. 2014–12441 Filed 6–3–14; 8:45 am]

BILLING CODE 3411–15–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: Monthly Retail Trade Survey.

OMB Control Number: 0607–0717.

Form Number(s): SM–44(12)S, SM–44(12)SE, SM–44(12)SS, SM–44(12)B, SM–44(12)BE, SM–44(12)BS, SM–45(12)S, SM–45(12)SE, SM–45(12)SS, SM–45(12)B, SM–45(12)BE, SM–45(12)BS, SM–72(12)S, and SM–20(12)I.

Type of Request: Extension of a currently approved collection.

Burden Hours: 14,427.

Number of Respondents: 10,305.

Average Hours per Response: 7 minutes.

Needs and Uses: The Monthly Retail Trade Survey (MRTS) provides estimates of monthly retail sales, end-of-month merchandise inventories, and quarterly e-commerce sales of retailers in the United States. In addition, the survey also provides an estimate of monthly sales at food service establishments and drinking places.

Sales, inventories, and e-commerce data provide a current statistical picture of the retail portion of consumer activity. The sales and inventories estimates in the MRTS measure current trends of economic activity that occur in the United States. The survey estimates provide valuable information for economic policy decisions and actions by the government and are widely used by private businesses, trade organizations, professional associations, and others for market research and analysis. The Bureau of Economic Analysis (BEA) uses these data in determining the consumption portion of Gross Domestic Product (GDP).

Retail and Food Services Sales during 2013 amounted to $4.5 trillion. The estimates produced in the MRTS are critical to the accurate measurement of total economic activity. The estimates of retail sales represent all operating receipts, including receipts from wholesale sales made at retail locations and services rendered as part of the sale of the goods, by businesses that primarily sell at retail. The sales estimates include sales made on credit as well as on a cash basis, but exclude receipts from sales taxes and interest charges from credit sales. Also excluded is non-operating income from such services as investments and real estate.

The estimates of merchandise inventories owned by retailers represent all merchandise located in retail stores, warehouses, offices, or in transit for distribution to retail establishments. The estimates of merchandise inventories exclude fixtures and supplies not held for sale, as well as merchandise held on consignment owned by others. BEA uses inventories data to determine the investment portion of the GDP.

Retail e-commerce sales are estimated from the same sample used in the MRTS to estimate preliminary and final U.S. retail sales.

The MRTS sample is updated every five years to account for new retail employer businesses (including those selling via the Internet), business deaths, and other changes to the retail business universe. Research was conducted to ensure that retail firms selected in the MRTS sample engaged in e-commerce are representative of the universe of e-commerce retailers. Total e-commerce sales for 2013 were estimated at $263 billion.

We publish retail sales and inventories estimates based on the North American Industry Classification System (NAICS).

BEA is the primary Federal user of data collected in the MRTS. BEA uses the information in its preparation of the National Income and Products Accounts, and its benchmark and annual input-output tables. Statistics provided from retail sales and inventories estimates are used in the calculation of GDP. If the survey were not conducted, BEA would lack comprehensive data from the retail sector. This would adversely affect the reliability of the National Income and Products Accounts and GDP.

The Bureau of Labor Statistics (BLS) uses the data as input to their Producer Price Indexes and in developing productivity measurements. The data are also used for gauging current economic trends of the economy. Private businesses use the retail sales and inventories data to compute business activity indexes. The private sector also uses retail sales as a reliable indicator of consumer activity.

Affected Public: Business or other for-profit.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written Comments and recommendations for the proposed information collection should be sent within 30 days of publications of this notice to *OIRASubmission@omb.eop.gov* or faxed to (202) 395–5806,

Dated: May 30, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12924 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–893]

Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results

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

SUMMARY: On May 20, 2014, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (''the Department'') final results of redetermination pursuant to remand of the 2009–2010 antidumping duty administrative review of certain frozen warmwater shrimp from the People's Republic of China (''*Remand Redetermination*'').[1] Consistent with the decision of the United States Court of

[1] *See* Final Results Of Redetermination Pursuant To Court Remand issued by the Department of Commerce (November 7, 2013), available at *http://enforcement.trade.gov/remands/.*

Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (CAFC 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results and is amending the final results of the administrative review of certain frozen warmwater shrimp from the People's Republic of China (''PRC'') with respect to the margin assigned to Hilltop International (''Hilltop'') covering the period of review (''POR'') February 1, 2009, through January 31, 2010.[2]

DATES: *Effective Date:* May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION: On November 30, 2012, the CIT remanded this case to the Department for reconsideration of the Department's selection of the primary surrogate country.[3] On January 9, 2013, based on a request from the Department, the CIT determined to ''permit the agency to consider new evidence concerning the question of whether Hilltop International provided false or incomplete information regarding its affiliates in the course of the fifth administrative review ('AR5') of this antidumping duty ('AD') order.''[4] Pursuant to the *Expanded Remand Order,* we reconsidered our determination in this review and found that Hilltop provided false and incomplete information regarding its affiliates and that none of its submissions could be relied upon.[5] Accordingly, we found that Hilltop failed to rebut the presumption that it is part of the PRC-wide entity and applied total adverse facts available (''AFA'') to the PRC-wide entity, which includes Hilltop.[6] As AFA, we applied a dumping margin of 112.81 percent, which is the highest rate from any segment of the proceeding and the current PRC-wide rate.[7] On July 23, 2013, the CIT sustained our *Remand I* with respect to the determination that Hilltop failed to demonstrate its eligibility for a separate rate and to apply AFA to the PRC-wide entity.[8] However, the CIT remanded this case to the Department to reexamine and corroborate the 112.81 percent PRC-wide rate or choose a different countrywide rate that better reflects commercial reality.[9] Pursuant to the *Remand Order II,* we reevaluated the rate applied as total AFA to the PRC-wide entity and found that it continues to be reliable and have probative value.[10] The CIT sustained the Department's *Remand Redetermination* on May 20, 2014, making the effective date of this notice May 30, 2014.[11]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 20, 2014, judgment sustaining the Department's *Remand Redetermination* with respect to Hilltop constitutes a final decision of that court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the rate established for the most recent period during which the PRC-wide entity was reviewed.[12]

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to Hilltop's margin for the period February 1, 2009, through January 31, 2010. The revised weighted-average dumping margin is as follows:

Exporter	Percent margin
PRC-Wide Entity [13]	112.81

In the event the CIT's ruling is not appealed, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries during the POR of the subject merchandise exported by Hilltop using the revised assessment rate calculated by the Department in the *Remand Redetermination.*

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12995 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Final Results of the First Full Sunset Review of the Antidumping Duty Order

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

SUMMARY: On February 10, 2014, the Department of Commerce (the Department) issued the preliminary results of the first full five-year (sunset) review of the antidumping duty (AD) order on lightweight thermal paper from Germany.[1] We received comments from interested parties on our *Preliminary Results.* As a result of our analysis, the Department finds that revocation of the AD order would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final

[2] *See Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 51940 (August 19, 2011) (''*Final Results*'').

[3] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 11–00335, Slip Op. 12–145 (CIT November 30, 2012).

[4] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 11–00335, Slip Op. 13–4 (CIT January 9, 2013) (''*Expanded Remand Order*'').

[5] *See* Final Results Of Redetermination Pursuant To Court Remand issued by the Department of Commerce (April 1, 2013), available at *http://enforcement.trade.gov/remands/* (''*Remand I*'').

[6] *Id.*

[7] *Id.*

[8] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 11–00335, Slip Op. 13–93 (CIT July 23, 2013).

[9] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 11–00335, Slip Op. 13–93 (CIT July 23, 2013) (''*Remand Order II*'').

[10] *See Remand Redetermination.*

[11] *See Ad Hoc Shrimp Trade Action Committee,* Court Nos. 10–00275 and 11–00335, Slip Op. 14–55 (CIT May 20, 2014).

[12] *See Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Administrative Review; 2011–2012,* 78 FR 56209 (September 12, 2013).

[13] The PRC-wide entity includes Hilltop International.

[1] *See Lightweight Thermal Paper From Germany: Preliminary Results of the First Full Sunset Review of the Antidumping Duty Order,* 79 FR 7644 (February 10, 2014) (*Preliminary Results*), and accompanying Issues and Decision Memorandum (Preliminary Decision Memorandum).

Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* June 4, 2014.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Background

On February 10, 2014, the Department published the *Preliminary Results.* We preliminarily found that dumping was likely to continue or recur if the AD order were revoked, and determined to report to the International Trade Commission (ITC) the rates calculated in the *LTFV Final*[2] as the margins of dumping likely to prevail.

We invited interested parties to comment on the *Preliminary Results.* We received case briefs from Appvion, Inc. (Appvion[3]), a domestic manufacturer of lightweight thermal paper, and Papierfabrik August Koehler SE (Koehler), a German producer/exporter of lightweight thermal paper, on April 1, 2014, and rebuttal briefs from these parties on April 11, 2014.

Scope of the Order

The merchandise covered by the order is lightweight thermal paper. The merchandise subject to the order is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3703.10.60, 4811.59.20, 4811.90.8000, 4811.90.8030, 4811.90.8040, 4811.90.8050, 4811.90.9000, 4811.90.9030, 4811.90.9035, 4811.90.9050, 4811.90.9080, 4811.90.9090, 4820.10.20, and 4823.40.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, see ''Final Results Issues and Decision Memorandum for the Full Sunset Review of the Antidumping Duty (AD) Order on Lightweight Thermal Paper from Germany,'' dated concurrently with this notice (Decision Memorandum).

[2] *See Lightweight Thermal Paper from Germany: Notice of Final Determination of Sales at Less Than Fair Value,* 73 FR 57326, 57328 (October 2, 2008) (*LTFV Final*).

[3] Appvion (formerly Appleton Papers) was the petitioner in the original investigation of lightweight thermal paper from Germany. *See LTFV Final.*

Analysis of Comments Received

All issues raised in this review are addressed in the Decision Memorandum, dated concurrently with this final notice, which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memorandum include the likelihood of the continuation of dumping and the magnitude of the margins likely to prevail. The Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov.* The Decision Memorandum is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Decision Memorandum are identical in content.

Final Results of Sunset Review

We determine that revocation of the AD order on lightweight thermal paper from Germany would be likely to lead to continuation or recurrence of dumping at the following weighted-average margins:

Manufacturer/exporter	Margin (percent)
Koehler	6.50
All Others	6.50

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to an 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. Timely 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.

We are issuing and publishing the final results of this full sunset review in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

Dated: May 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12991 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2010–2011

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

SUMMARY: On May 19, 2014, the United States Court of International Trade (the Court) issued final judgment in *Blue Field (Sichuan) Food Indus. Co., Ltd.* v. *United States,* Court No. 12–00320, sustaining the Department of Commerce's (the Department) final results of redetermination pursuant to remand.[1] In the *Remand Results,* under protest, the Department recalculated the surrogate values for rice straw and cow manure reported by Blue Field (Sichuan) Food Indus. Co., Ltd. (Blue Field).[2] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the antidumping duty administrative review of certain preserved mushrooms from the People's Republic of China covering the period February 1, 2010, through January 31, 2011, and is amending the final results with respect to the weighted-average dumping margin assigned to Blue Field.[3]

[1] *See* Final Results of Redetermination Pursuant to Court Remand, Certain Preserved Mushrooms from the People's Republic of China, *Blue Field (Sichuan) Food Indus. Co., Ltd.* v. *United States,* Court No. 12–00320; Slip Op. 13–142 (CIT November 14, 2013), dated March 18, 2014 (*Remand Results*), available at *http://enforcement.trade.gov/remands/index.htm.*

[2] *See generally Remand Results.*

[3] *See Certain Preserved Mushrooms from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 55808 (September 11, 2012) (*Final Results*), and accompanying Issues and Decision Memorandum.

DATES: *Effective Date:* June 4, 2014.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Davina Friedmann, 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) 482–4475 or (202) 482–0698, respectively.

SUPPLEMENTARY INFORMATION: On September 12, 2012, the Department issued the *Final Results.*[4] Blue Field, an exporter of subject merchandise, timely filed complaints with the Court to challenge certain aspects of the *Final Results.* Specifically, Blue Field challenged the surrogate values assigned by the Department to its reported inputs of rice straw and cow manure. On November 14, 2013, the Court remanded the *Final Results* and instructed the Department to reconsider its calculation of Blue Field's surrogate values for rice straw and cow manure.[5] On remand, and under protest, the Department recalculated Blue Field's surrogate values for rice straw and cow manure using data from India.[6] As a result, Blue Field's margin changed from 308.33 percent to 82.04 percent.[7] On May 19, 2014, the Court entered judgment sustaining the Department's *Remand Results.*[8]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the Federal Circuit has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's May 19, 2014, judgment sustaining the *Remand Results* constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the PRC-wide entity rate (which includes Blue Field) established for the subsequent and most-recent period during which the PRC-wide entity was reviewed.[9]

Amended Final Determination

Because there is now a final court decision, the Department amends the *Final Results* with respect to Blue Field. The revised weighted-average dumping margin for Blue Field during the period February 1, 2010, through January 31, 2011 follows:

Exporter	Weighted average dumping margin (percent)
Blue Field (Sichuan) Food Industrial Co., Ltd	82.04

In the event the Court's ruling is not appealed, or if appealed and upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise exported by Blue Field using the revised assessment rate calculated by the Department in the *Remand Results.*

This notice is issued and published in accordance with sections 516(A)(e), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement & Compliance.

[FR Doc. 2014–12992 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See id.*

[5] *See Blue Field (Sichuan) Food Indus. Co., Ltd.* v. *United States,* 949 F. Supp. 2d 1311, 1334–35 (CIT November 14, 2013).

[6] *See generally Remand Results.*

[7] *See id.* at 14.

[8] *See Blue Field (Sichuan) Food Indus. Co., Ltd.* v. *United States,* Court No. 12–00320 (CIT May 19, 2014).

[9] *See Certain Preserved Mushrooms from the People's Republic of China: Final Results of Antidumping Duty Administrative Review 2012–2013,* 79 FR 12150, 12152 & n.16 (March 4, 2014).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: On April 17, 2014, the Department of Commerce (''Department'') published its *Preliminary Results* of a changed circumstances review (''CCR'') of the antidumping duty order on certain new pneumatic off-the road (''OTR'') tires from the People's Republic of China (''PRC'').[1] The Department preliminarily determined that Shandong Linglong Tyre Co., Ltd. (''Shandong Linglong'') is the successor-in-interest to Zhaoyuan Leo Rubber Co., Ltd. (''Leo Rubber'') and invited parties to comment on the *Preliminary Results.* As no parties submitted subsequent comment, the Department is making no changes to the *Preliminary Results.*

DATES: *Effective Date:* June 4, 2014.

FOR FURTHER INFORMATION CONTACT: Andrew Medley, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4987.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2008, the Department published in the **Federal Register** an antidumping duty order on OTR tires from the PRC.[2] Under the *Order,* Leo Rubber received the separate-rate respondent rate, as revised, of 12.83 percent.[3]

On April 17, 2014, we made a preliminary finding that Shandong Linglong is the successor-in-interest to Leo Rubber and thus, should receive the same antidumping duty treatment with respect to OTR tires from the PRC as the former Leo Rubber.[4] We also stated that interested parties had 30 days in which to request a hearing and submit case briefs.[5] No party submitted case briefs. Thus, consistent with 19 CFR 351.216(e), we are issuing this final determination within 45 days of our preliminary finding.

[1] *See Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Results of Antidumping Duty Changed Circumstances Review,* 79 FR 21731 (April 17, 2014) (''*Preliminary Results*'').

[2] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 73 FR 51624 (September 4, 2008) (''*Order*'').

[3] On August 30, 2012, the Department published in the **Federal Register** a final determination, under section 129 of the Uruguay Round Agreements Act (''URAA''), regarding the antidumping duty investigation on OTR Tires from the PRC. *See Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube From the People's Republic of China,* 77 FR 52683 (August 30, 2012). As part the Department's final determination under section 129 of the URAA, Leo Rubber was assigned a revised cash deposit rate of 12.83 percent. *Id.,* 73 FR at 51627.

[4] *See Preliminary Results,* 79 FR at 21732.

[5] *Id.*

Scope of the Order

The merchandise covered by this *Order* includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.[6]

Final Results of Changed Circumstances Review

Because no parties submitted comments opposing the Department's *Preliminary Results,* and because there is no other information or evidence on the record that calls into question the *Preliminary Results,* the Department determines that Shandong Linglong is the successor-in-interest to Leo Rubber for the purpose of determining antidumping duty liability.

Instructions to U.S. Customs and Border Protection

The Department will instruct U.S. Customs and Border Protection to suspend liquidation and collect a cash deposit rate of 12.83 percent on all shipments of the subject merchandise produced and exported by Shandong Linglong and entered, or withdrawn from warehouse, for consumption, on or after the publication date of these results of changed circumstances review.[7]

Notification

This notice serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/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 sanctionable violation.

We are issuing and publishing these final results and notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3).

Dated: May 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12993 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

[6] For a complete description of the Scope of the Order, *see* the Department's Memorandum to Melissa G. Skinner, Director, Office III, Antidumping and Countervailing Duty Operations, which was published concurrently with the *Preliminary Results,* and titled ''Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Preliminary Successor-In-Interest Determination,'' dated April 10, 2014, at ''Scope of the *Order.*''

[7] *See, e.g., Stainless Steel Plate in Coils From Belgium: Notice of Final Results of Antidumping Duty Changed Circumstances Review,* 77 FR 21963 (April 12, 2012); *see also Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp From Thailand,* 75 FR 74684, 74685 (December 1, 2010).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–880]

Barium Carbonate From the People's Republic of China: Final Results of Expedited Second Sunset Review of the Antidumping Duty Order

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

SUMMARY: On February 3, 2014, the Department of Commerce (the ''Department'') initiated the second five-year (''sunset'') review of the antidumping duty order on barium carbonate from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on barium carbonate from the PRC would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* June 4, 2014.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 2014, the Department received an adequate substantive response from domestic interested party Chemical Products Corporation (''Petitioner'') within the deadline specified in 19 CFR 351.218(d)(3)(i).[2] We received no responses from respondent interested parties. As a result, the Department conducted an expedited (120-day) sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Analysis of Comments Received

All issues raised in this sunset review are addressed in the ''Issues and Decision Memorandum for the Expedited Second Sunset Review of the Antidumping Duty Order on Barium Carbonate from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (''Decision Memorandum''). The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum is available directly on the Web at *http://enforcement.trade.gov/frn/.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by this order is barium carbonate, regardless of form or grade. The product is currently classifiable under subheading 2836.60.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

[1] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 6163 (February 3, 2014).

[2] *See* Petitioner's March 5, 2014, submission.

Final Results of Review

We determine that revocation of the order would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Exporter	Weighted-average dumping margin (percent)
Qingdao Red Star Chemical Import & Export Co., Ltd.	34.44
PRC-Wide Entity	81.30

Administrative Protective Order

This notice also serves as the only 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. Timely notification of the return of 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 sunset review and notice are in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: May 28, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12994 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–893]

Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results

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

SUMMARY: On May 20, 2014, the United States Court of International Trade (''CIT'') sustained the Department of Commerce's (''the Department'') final results of redetermination pursuant to remand of the 2008–2009 antidumping duty administrative review of certain frozen warmwater shrimp from the People's Republic of China (''*Remand Redetermination*'').[1] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''CAFC'') in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (CAFC 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results and is amending the final results of the administrative review of certain frozen warmwater shrimp from the People's Republic of China (''PRC'') with respect to the margin assigned to Hilltop International (''Hilltop'') covering the period of review (''POR'') February 1, 2008, through January 31, 2009.[2]

DATES: *Effective Date*: May 30, 2014.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION: On July 19, 2013, the CIT remanded this case to the Department for reconsideration[3] pursuant to the order of the CAFC in *Ad Hoc Shrimp Trade Action Committee* v. *United States,* No. 2012–1416 (Fed. Cir. 2013), which granted the Department's request for a voluntary remand in this matter to allow for reconsideration in light of information discovered in the sixth administrative review of this proceeding.[4] Pursuant to the *Remand Order,* we reconsidered our determination in this review and found that Hilltop provided false and incomplete information regarding its affiliates and that none of its submissions could be relied upon. Accordingly, we found that Hilltop failed to rebut the presumption that it is part of the PRC-wide entity and applied total adverse facts available (''AFA'') to the PRC-wide entity, which includes Hilltop. As AFA, we applied a dumping margin of 112.81 percent, which is the highest rate from any segment of the proceeding and the current PRC-wide rate, and reevaluated that margin to ensure that it continues to be reliable and have probative value.[5] The CIT sustained the Department's *Remand Redetermination* on May 20, 2014, making the effective date of this notice May 30, 2014.[6]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 20, 2014, judgment sustaining the Department's *Remand Redetermination* with respect to Hilltop constitutes a final decision of that court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the rate established for the most recent period during which the PRC-wide entity was reviewed.[7]

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to Hilltop's margin for the period February 1, 2008, through January 31, 2009. The revised weighted-average dumping margin is as follows:

Exporter	Percent margin
PRC-Wide Entity[8]	112.81

In the event the CIT's ruling is not appealed, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries during the POR of the subject merchandise exported by Hilltop using

[1] *See* Results Of Redetermination Pursuant To Court Remand issued by the Department of Commerce (November 4, 2013), available at *http://enforcement.trade.gov/remands/.*

[2] *See Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 49460 (August 13, 2010) (''*Final Results*'').

[3] *See Ad Hoc Shrimp Trade Action Committee* v. *United States,* Court No. 10–00275, Slip Op. 13–89 (CIT July 19, 2013) (''*Remand Order*'').

[4] *See Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results, Partial Rescission of Sixth Antidumping Duty Administrative Review and Determination Not To Revoke in Part,* 77 FR 53856 (September 4, 2012).

[5] *See Remand Redetermination.*

[6] *See Ad Hoc Shrimp Trade Action Committee,* Court Nos. 10–00275 and 11–00335, Slip Op. 14–55 (CIT May 20, 2014).

[7] *See Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results of Administrative Review; 2011–2012,* 78 FR 56209 (September 12, 2013).

[8] The PRC-wide entity includes Hilltop International.

the revised assessment rate calculated by the Department in the *Remand Redetermination.*

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: May 29, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–12998 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an Open Meeting.

SUMMARY: The President's Export Council will hold a meeting to deliberate on recommendations related to promoting the expansion of U.S. exports. Topics may include: Trade promotion authority; localization barriers to trade; reauthorization of the Export-Import Bank of the United States; trade facilitation; access to capital; technology-enabled small business exporters; innovation; the National Travel and Tourism Strategy; and the National Export Initiative. The final agenda will be posted at least one week in advance of the meeting on the President's Export Council Web site at *http://trade.gov/pec.*

DATES: June 19, 2014 at 9:30 a.m. (ET)

ADDRESSES: The President's Export Council meeting will be broadcast via live webcast on the Internet at *http://whitehouse.gov/live.*

FOR FURTHER INFORMATION CONTACT: Tricia Van Orden, Executive Secretary, President's Export Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–5876, email: *tricia.vanorden@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The President's Export Council was first established by Executive Order on December 20, 1973 to advise the President on matters relating to U.S. export trade and to report to the President on its activities and recommendations for expanding U.S. exports. The President's Export Council was renewed most recently by Executive Order 13652 of September 30, 2013, for the two-year period ending September 30, 2015. This Committee is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

Public Submissions: The public is invited to submit written statements to the President's Export Council by C.O.B. June 17, 2014 by either of the following methods:

Electronic Submissions

Submit statements electronically to Tricia Van Orden, Executive Secretary, President's Export Council via email: *tricia.vanorden@trade.gov.*

Paper Submissions

Send paper statements to Tricia Van Orden, Executive Secretary, President's Export Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230. Statements will be posted on the President's Export Council Web site (*http://trade.gov/pec*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting.

Dated: May 28, 2014.

Tricia Van Orden,

Executive Secretary, President's Export Council.

[FR Doc. 2014–12921 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee (CINTAC) Meeting

AGENCY: ITA, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the CINTAC.

DATES: The meeting is scheduled for Wednesday, June 25, 2014, at 9:00 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in Room 1412, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, ITA, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov).*

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Wednesday, June 25, 2014 CINTAC meeting is as follows:

9:00 a.m.–4:00 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information below by 5:00 p.m. EDT on Friday, June 20, 2014 in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, June 20, 2014. If the number of registrants requesting to make statements is greater than can be

reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on June 20, 2014. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: May 30, 2014.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2014–12960 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, and for Designation as a Sea Grant College or Sea Grant Institute

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 4, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.g*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dorn Carlson, 301–734–1080 or *dorn.carlson@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The objectives of the National Sea Grant College Program, as stated in the Sea Grant legislation (33 U.S.C. 1121–1131) are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs.

Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing about 80 percent of the total grant program. In addition to other standard grant application requirements, three forms are required with the grants. These are the Sea Grant Control Form 90–2, used to identify the organizations and personnel who would be involved in the grant and briefly summarize the proposed activities under the grant; the Project Record Form 90–1, which collects summary data on projects; and the Sea Grant Budget Form 90–4, which provides information similar to, but more detailed than on, forms SF–424A or SF–424C.

The National Sea Grant College Program Act (33 U.S.C. 1126) provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes.

II. Method of Collection

Responses are made in a variety of formats, including forms and narrative submissions, via mail, fax or email. The Sea Grant Project Record Form and Sea Grant Budget Form must be submitted in electronic format through grants.gov if the grant applicant has the means to do so.

III. Data

OMB Control Number: 0648–0362.

Form Number: NOAA Forms 90–1, 90–2 and 90–4.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Not-for-profit institutions; business or other for-profit organizations; individuals or households; State, Local or Tribal Government.

Estimated Number of Respondents: 768.

Estimated Time per Response: 30 minutes for a Sea Grant Control form; 20 minutes for a Project Record Form; 15 minutes for a Sea Grant Budget form; and 20 hours for an application for designation as a Sea Grant college or Sea Grant institute.

Estimated Total Annual Burden Hours: 857.

Estimated Total Annual Cost to Public: $1,833 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 29, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12892 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; For-Hire Telephone Survey

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 4, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ana Valentin, Phone: (301) 427–8187 or *ana.valentin@NOAA.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as amended, regarding conservation and management of fishery resources.

The For-Hire Survey (FHS) will collect recreational fishing catch and effort data through a telephone, Web-based data collection, and log sheet methods. Amendments to the Magnuson-Stevens Fishery Conservation and Management Act require the development of an improved data collection program for recreational fisheries. To meet these requirements, NOAA Fisheries has designed a telephone questionnaire in the Computer Assisted Telephone Interview (CATI) system for surveying and collecting catch and effort data from recreational anglers. The FHS will sample a week's activity from 10% of vessels that are permitted for-hire or charter vessel trips. Each interview will collect the number of recreational fishing trips, and log sheets submitted by the permit holders will show corresponding effort data (e.g. time at sea, amounts of catch from each fishery), within the sample selected week.

II. Method of Collection

Information will be collected through telephone interviews using a CATI System. In lieu of telephone interviews, respondents may also provide information via a Web-based application.

III. Data

OMB Control Number: 0648–XXXX.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 20,000.

Estimated Time per Response: 3½ minutes for a telephone interview; 3½ minutes to complete their responses on the web-based application; 1 minute for fax the log-sheet.

Estimated Total Annual Burden Hours: 1,334.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 29, 2014.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–12840 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Public Comment Period for the Waquoit Bay, Massachusetts National Estuarine Research Reserve Management Plan revision.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce is announcing a thirty day public comment period for the Waquoit Bay, Massachusetts National Estuarine Research Reserve Management Plan revision.

The Waquoit Bay Reserve revised plan will replace the plan approved in 2006. The revised management plan outlines the administrative structure; the research & monitoring, education, training, and stewardship goals of the reserve; and the plans for future land acquisition and facility development to support reserve operations. The revised management plan will serve as the guiding document for the 2,804 acre Waquoit Bay Reserve for the next five years.

FOR FURTHER INFORMATION CONTACT: Michael Migliori at (301) 563–1126 or Erica Seiden at (301) 563–1172 of NOAA's National Ocean Service, Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: Pursuant to 15 CFR 921.33(c), the revised plan meets the reserve's requirements for compliance. The Waquoit Bay Reserve revised plan will replace the plan approved in 2006.

The revised management plan outlines the administrative structure; the research & monitoring, education, training, and stewardship goals of the reserve; and the plans for future land acquisition and facility development to support reserve operations.

The Waquoit Bay, Massachusetts Reserve takes an integrated approach to management, linking research, education, training and stewardship functions to address high priority issues

including the impact of climate change on estuarine ecosystems; connections between watershed land-use and water quality; assessment of ecosystem response to natural variability and human impacts; and understanding and enhancing ecosystem services of coastal habitats. Since the last management plan, the reserve implemented its core programs, expanded its monitoring infrastructure to establish a groundwater monitoring program and a Salt Marsh Observatory; enhanced its facilities with energy efficiency installations, campus building improvements, and updated educational exhibits; and furthered land conservation in the reserve's watersheds.

This management plan calls for a boundary expansion of 23 acres. The lands consist of the 11.4 acre Caleb Pond parcel on the northeast corner of Waquoit Bay as well as the addition of 12.4 acres to the Quashnet River lands. The Caleb Pond parcel is the largest single undeveloped parcel on Waquoit Bay and contains an upland coastal pine-oak forest habitat with fringing salt marsh and a connecting stream that contains diadromous fish runs of American eel and has historically supported an anadramous river herring run. The parcel is especially suitable for educational purposes and creates 40 acres of contiguous protected lands across the head of Waquoit Bay. The Quashnet River land parcel expands important contiguous and unfragmented habitat that is valuable as wildlife habitat and corridor as well as increases protection of terrestrial, groundwater, and aquatic systems. This parcel is appropriate for education, recreation, and upland research purposes.

The revised management plan will serve as the guiding document for the 2,804 acre Waquoit Bay Reserve for the next five years. The Waquoit Bay Reserve Management Plan revision can be viewed at (*http://www.waquoitbayreserve.org/about/management-plan/*). Comments can be provided to the Reserve Manager at *james.rassman@state.ma.us.*

Dated: May 29, 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. 2014–12929 Filed 6–3–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–XD174]

Takes of Marine Mammals Incidental to Specified Activities; Seabird Monitoring and Research in Glacier Bay National Park, Alaska, 2014

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from Glacier Bay National Park (Glacier Bay NP) to take marine mammals, by harassment incidental to conducting seabird research from July through September, 2014. The proposed dates for this action would be July 22, 2014 through September 30, 2014. Per the Marine Mammal Protection Act, we are requesting comments on our proposal to issue an Authorization to the Glacier Bay NP to incidentally take, by Level B harassment only, one species of marine mammals during the specified activity.

DATES: NMFS must receive comments and information on or before July 7, 2014.

ADDRESSES: Address comments on the application to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Cody@noaa.gov.* Please include 0648–XD174 in the subject line. Comments sent via email to *ITP.Cody@noaa.gov,* including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for email comments sent to addresses other than the one provided here.

Instructions: All submitted comments are a part of the public record and NMFS will post them to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

To obtain an electronic copy of the application containing a list of the references used in this document, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visit the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.*

We will prepare an environmental assessment (EA) in accordance with the National Environmental Policy Act to evaluate the environmental effects related to the scope of our federal action, which is the proposed issuance of an Authorization to Glacier Bay NP for their proposed seabird research activities. This notice presents detailed information on the scope of our federal action under NEPA (i.e., the proposed Authorization including mitigation measures and monitoring) and we will consider comments submitted in response to this notice as we prepare our EA. Information in Glacier Bay NP's application and this notice collectively provide the environmental information related to proposed issuance of the Authorization for public review and comment.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

An Authorization shall be granted for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must also set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such taking. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from

the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On April 7, 2014, NMFS received an application from Glacier Bay NP requesting that we issue an Authorization for the take of marine mammals, incidental to conducting monitoring and research studies on glaucus-winged gulls (*Larus glaucescens*) within Glacier Bay National Park and Preserve in Alaska. NMFS determined the application complete and adequate on May 1, 2014.

Glacier Bay NP proposes to conduct ground-based and vessel-based surveys to collect data on the number and distribution of nesting gulls within five study sites in Glacier Bay, AK. Glacier Bay NP proposes to complete up to five visits per study site, from July through September, 2014.

The proposed activities are within the vicinity of pinniped haulout sites and the following aspects of the proposed activities are likely to result in the take of marine mammals: Noise generated by motorboat approaches and departures; noise generated by researchers while conducting ground surveys; and human presence during the monitoring and research activities. Thus, we anticipate that take, by Level B harassment only of one species of marine mammal could result from the specified activity. NMFS anticipates that take by Level B Harassment only, of individuals of harbor seals (*Phoca vitulina*) would result from the specified activity.

Description of the Specified Activity

Overview

Glacier Bay NP proposes to identify the onset of gull nesting; conduct mid-season surveys of adult gulls, and locate and document gull nest sites within the following study areas: Boulder, Lone, and Flapjack Islands, and Geikie Rock. Each of these study sites contains harbor seal haulout sites and Glacier Bay NP proposes to visit each site up to five times during the research season.

Glacier Bay NP must conduct the gull monitoring studies to meet the requirements of a 2010 Record of Decision for a Legislative Environmental Impact Statement (NPS 2010) which states that Glacier Bay NP must initiate a monitoring program for the gulls to inform future native egg harvests by the Hoonah Tlingit in Glacier Bay, AK. Glacier Bay NP actively monitors harbor seals at breeding and molting sites to assess population trends over time (e.g., Mathews & Pendleton, 2006; Womble *et al.,* 2010). Glacier Bay NP also coordinates pinniped monitoring programs with National Marine Mammal Laboratory and the Alaska Department of Fish & Game and plans to continue these collaborations and sharing of monitoring data and observations in the future.

Dates and Duration

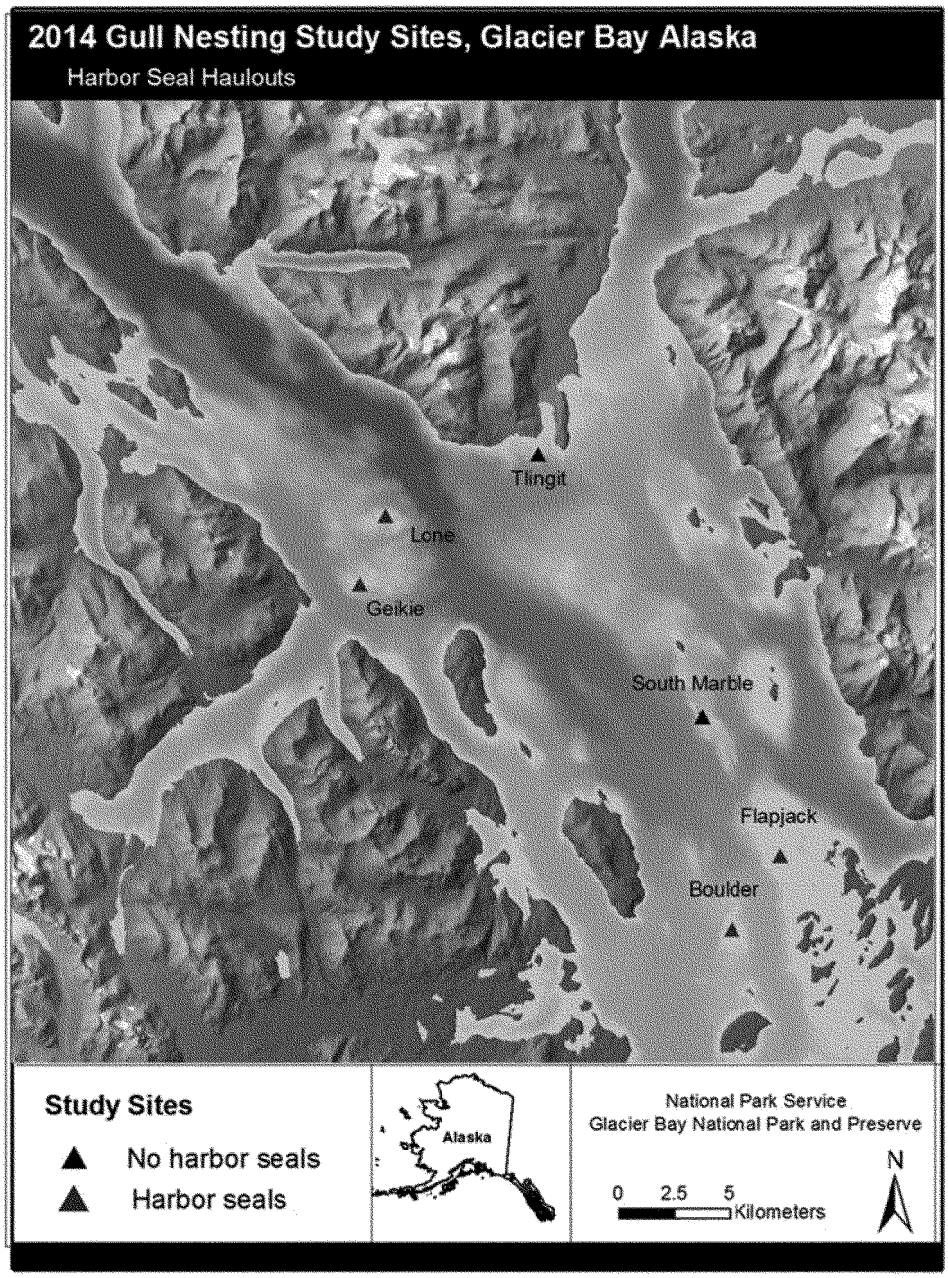
Glacier Bay NP proposes to conduct the proposed activities from the period of July 22 through September 30, 2014. Glacier Bay NP proposes to conduct a maximum of three ground-based surveys per each study site between July 22 through September 30, 2014 and a maximum of two vessel-based surveys per each study site between July 22 through September 30, 2014.

Thus, the proposed Authorization, if issued, would be effective from July 22, 2014 through September 30, 2014. We refer the reader to the Detailed Description of Activities section later in this notice for more information on the scope of the proposed activities.

Specified Geographic Region

The proposed study sites would occur in the vicinity of the following locations: Boulder (58°33′18.08″ N; 136°1′13.36″ W), Lone (58°43′17.67″ N; 136°17′41.32″ W), and Flapjack (58°35′10.19″ N; 135°58′50.78″ W) Islands, and Geikie Rock (58°41′39.75″ N; 136°18′39.06″ W) in Glacier Bay, Alaska. Glacier Bay NP will also conduct studies at Tlingit Point Islet located at 58°45′16.86″ N; 136°10′41.74″ W; however, there are no reported pinniped haulout sites at that location.

Figure 1. Proposed locations of the gull monitoring and research sites in Glacier Bay, AK, June through September, 2014.



Detailed Description of Activities

Glacier Bay NP proposes to conduct: (1) Ground-based surveys at a maximum frequency of three visits per site; and (2) vessel-based surveys at a maximum frequency of two visits per site from the period of July 22 through September 30, 2014.

Ground-Based Surveys: These surveys involve two trained observers visiting the largest gull colony on each island to: (1) Obtain information on the numbers of nests, their location, and contents (i.e., eggs or chicks); (2) determine the onset of laying, distribution, abundance, and predation of gull nests and eggs; and (3) record the proximity of other species relative to colony locations.

The observers would access each island using a kayak, a 32.8 to 39.4-foot (ft) (10 to 12 meter (m)) motorboat, or a 12 ft (4 m) inflatable rowing dinghy. The landing craft's transit speed would not exceed 4 knots (4.6 miles per hour (mph). Ground surveys generally last from 30 minutes to up to two hours depending on the size of the island and the number of nesting gulls. Glacier Bay NP will discontinue ground surveys after they detect the first hatchling to minimize disturbance to the gull colonies.

Vessel-Based Surveys: These surveys involve two trained observers observing and counting the number of adult and fledgling gulls from the deck of a motorized vessel which would transit around each island at a distance of approximately 328 ft (100 m) to avoid

flushing the birds from the colonies. Vessel-based surveys generally last from 30 minutes to up to two hours depending on the size of the island and the number of nesting gulls.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 in this notice provides the following information: All marine mammal species with possible or confirmed occurrence in the proposed survey areas on land; information on those species' regulatory status under the MMPA and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY HAUL OUT IN THE PROPOSED STUDY AREAS IN JULY THROUGH SEPTEMBER, 2014

Species	Stock name	Regulatory status [1] [2]	Stock/species abundance [3]	Occurrence and range	Season
Harbor seal (*Phoca vitulina*).	Glacier Bay/Icy Strait	MMPA–NC ESA—NL	5,042	common coastal	year-round
Steller sea lion (*Eumetopias jubatus*).	Eastern U.S.	MMPA—D, S ESA—NL	63,160–78,198	uncommon coastal	year-round
Steller sea lion (*Eumetopias jubatus*).	Western U.S.	MMPA—D, S ESA—T	52,200	rare coastal	unknown

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] 2013 NMFS Stock Assessment Report (Allen and Anglis, 2013).

NMFS refers the public to the Glacier Bay NP's application and the 2013 NMFS Marine Mammal Stock Assessment Report available online at: *http://www.nmfs.noaa.gov/pr/sars/species.htm* for further information on the biology and local distribution of these species.

Other Marine Mammals in the Proposed Action Area

Northern sea otters (*Enhydra lutris kenyoni*) and polar bears (*Ursis maritimus*) listed as threatened under the Endangered Species Act could occur in the proposed area. The U.S. Fish and Wildlife Service manages these species and we do not consider them further in this notice.

Potential Effects of the Specified Activities on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (e.g., motorboat operations and the presence of researchers) impact marine mammals (via observations or scientific studies). This section may include a discussion of known effects that do not rise to the level of an MMPA take (for example, with visual stimuli, we may include a discussion of studies of animals exhibiting no reaction to sound or exhibiting barely perceptible avoidance behaviors). This discussion may also include reactions that NMFS considers to rise to the level of a take.

NMFS intends to provide a background of potential effects of Glacier Bay NP's activities in this section. This section does not consider the specific manner in which the Glacier Bay NP would carry out the proposed activity, what mitigation measures the Glacier Bay NP would implement, and how either of those would shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that we expect Glacier Bay NP to take during this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity would impact marine mammals. NMFS will consider the content of the following sections: (1) Estimated Take by Incidental Harassment; (3) Proposed Mitigation; and (4) Anticipated Effects on Marine Mammal Habitat, to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals—and from that consideration—the likely impacts of this activity on the affected marine mammal populations or stocks.

Acoustic Impacts

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.,* 1995; Southall *et al.,* 1997; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Southall *et al.* (2007) designated ''functional hearing groups'' for marine mammals based on available behavioral data; audiograms derived from auditory evoked potentials; anatomical modeling; and other data. Southall *et al.* (2007) also estimated the lower and upper frequencies of functional hearing for each group. However, animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range.

The functional groups applicable to this proposed survey and the associated frequencies are:

- Low frequency cetaceans (13 species of mysticetes): Functional hearing estimates occur between approximately 7 Hertz (Hz) and 30 kHz (extended from 22 kHz based on data indicating that some mysticetes can hear above 22 kHz; Au *et al.,* 2006; Lucifredi and Stein, 2007; Ketten and Mountain, 2009; Tubelli *et al.,* 2012);
- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): Functional hearing estimates occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (eight species of true porpoises, six species of river dolphins, *Kogia,* the franciscana, and four species of *cephalorhynchids*): Functional hearing estimates occur between approximately 200 Hz and 180 kHz; and
- Pinnipeds in water: Phocid (true seals) functional hearing estimates occur between approximately 75 Hz and 100 kHz (Hemila *et al.,* 2006; Mulsow *et al.,* 2011; Reichmuth *et al.,* 2013) and otariid (seals and sea lions) functional hearing estimates occur between approximately 100 Hz to 40 kHz.

As mentioned previously in this document, only one marine mammal species would likely occur in the proposed action area. The harbor seal is a member of the Pinnipeds in Water functional hearing group. We consider a species' functional hearing group when

we analyze the effects of exposure to sound on marine mammals.

1. Potential Effects of Motorboat Operations and Researcher Presence on Marine Mammals

Acoustic and visual stimuli generated by: (1) Motorboat operations; and (2) the appearance of researchers may have the potential to cause Level B harassment of any pinnipeds hauled out on Boulder, Lone, and Flapjack Islands, and Geikie Rock. The effects of sounds from motorboat operations and the appearance of researchers might include hearing impairment or behavioral disturbance (Southall, *et al.,* 2007).

Hearing Impairment

Marine mammals produce sounds in various important contexts—social interactions, foraging, navigating, and responding to predators. The best available science suggests that pinnipeds have a functional aerial hearing sensitivity between 75 hertz (Hz) and 75 kilohertz (kHz) and can produce a diversity of sounds, though generally from 100 Hz to several tens of kHz (Southall, *et al.,* 2007).

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift—an increase in the auditory threshold after exposure to noise (Finneran, Carder, Schlundt, and Ridgway, 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of threshold shift just after exposure is called the initial threshold shift. If the threshold shift eventually returns to zero (i.e., the threshold returns to the pre-exposure value), it is called temporary threshold shift (Southall *et al.,* 2007).

Pinnipeds have the potential to be disturbed by airborne and underwater noise generated by the small boats equipped with outboard engines (Richardson, Greene, Malme, and Thomson, 1995). However, there is a dearth of information on acoustic effects of motorboats on pinniped hearing and communication and to our knowledge there has been no specific documentation of hearing impairment in free-ranging pinnipeds exposed to small motorboats during realistic field conditions.

Behavioral Disturbance

Marine mammals may behaviorally react to sound when exposed to anthropogenic noise. Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Weilgart, 2007). These behavioral reactions are often shown as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (e.g., pinnipeds flushing into the water from haul-outs or rookeries). If a marine mammal does react briefly to an underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, one could expect the consequences of behavioral modification to be biologically significant if the change affects growth, survival, and/or reproduction. Some of these significant behavioral modifications include:

- Change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Richardson *et al.,* 1995; Southall *et al.,* 2007). Given the many uncertainties in predicting the quantity and types of impacts of noise on marine mammals, it is common practice to estimate how many mammals would be present within a particular distance of industrial activities and/or exposed to a particular level of industrial sound. In most cases, this approach likely overestimates the numbers of marine mammals that could potentially be affected in some biologically-important manner.

Disturbances resulting from human activity can impact short- and long-term pinniped haul out behavior (Renouf *et al.,* 1981; Schneider and Payne, 1983; Terhune and Almon, 1983; Allen *et al.,* 1984; Stewart, 1984; Suryan and Harvey, 1999; Mortenson *et al.,* 2000; and Kucey and Trites, 2006). Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Weilgart, 2007). If a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007).

Numerous studies have shown that human activity can flush harbor seals off haulout sites (Allen *et al.,* 1984; Calambokidis *et al.,* 1991; Suryan and Harvey, 1999; and Mortenson *et al.,* 2000). The Hawaiian monk seal (*Monachus schauinslandi*) has been shown to avoid beaches that have been disturbed often by humans (Kenyon, 1972). And in one case, human disturbance appeared to cause Steller sea lions to desert a breeding area at Northeast Point on St. Paul Island, Alaska (Kenyon, 1962).

In cases where vessels actively approached marine mammals (e.g., whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active avoidance behavior (Bursk, 1983; Acevedo, 1991; Baker and MacGibbon, 1991; Trites and Bain, 2000; Williams *et al.,* 2002; Constantine *et al.,* 2003), reduced blow interval (Ritcher *et al.,* 2003), disruption of normal social behaviors (Lusseau, 2003; 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.,* 2003; 2004)).

In 1997, Henry and Hammil (2001) conducted a study to measure the impacts of small boats (i.e., kayaks, canoes, motorboats and sailboats) on harbor seal haulout behavior in Métis Bay, Quebec, Canada. During that study, the authors noted that the most frequent disturbances (n=73) were caused by lower speed, lingering kayaks and

canoes (33.3 percent) as opposed to motorboats (27.8 percent) conducting high speed passes. The seal's flight reactions could be linked to a surprise factor by kayaks-canoes which approach slowly, quietly and low on water making them look like predators. However, the authors note that once the animals were disturbed, there did not appear to be any significant lingering effect on the recovery of numbers to their pre-disturbance levels. In conclusion, the study showed that boat traffic at current levels has only a temporary effect on the haulout behavior of harbor seals in the Métis Bay area.

In 2004, Johnson and Acevedo-Gutierrez (2007) evaluated the efficacy of buffer zones for watercraft around harbor seal haulout sites on Yellow Island, Washington. The authors estimated the minimum distance between the vessels and the haul-out sites; categorized the vessel types; and evaluated seal responses to the disturbances. During the course of the seven-weekend study, the authors recorded 14 human-related disturbances which were associated with stopped powerboats and kayaks. During these events, hauled out seals became noticeably active and moved into the water. The flushing occurred when stopped kayaks and powerboats were at distances as far as 453 and 1,217 ft (138 and 371 m) respectively. The authors note that the seals were unaffected by passing powerboats, even those approaching as close as 128 ft (39 m), possibly indicating that the animals had become tolerant of the brief presence of the vessels and ignored them. The authors reported that on average, the seals quickly recovered from the disturbances and returned to the haulout site in less than or equal to 60 minutes. Seal numbers did not return to pre-disturbance levels within 180 minutes of the disturbance less than one quarter of the time observed. The study concluded that the return of seal numbers to pre-disturbance levels and the relatively regular seasonal cycle in abundance throughout the area counter the idea that disturbances from powerboats may result in site abandonment (Johnson and Acevedo-Gutierrez, 2007). As a general statement from the available information, pinnipeds exposed to intense (approximately 110 to 120 decibels re: 20 μPa) non-pulse sounds often leave haulout areas and seek refuge temporarily (minutes to a few hours) in the water (Southall *et al.,* 2007).

Anticipated Effects on Marine Mammal Habitat

We do not anticipate that the proposed operations would result in any temporary or permanent effects on the habitats used by the marine mammals in the proposed area, including the food sources they use (i.e., fish and invertebrates). While NMFS anticipates that the specified activity may result in marine mammals avoiding certain areas due to motorboat operations or human presence, this impact to habitat is temporary and reversible. NMFS considered these as behavioral modification. The main impact associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals, previously discussed in this notice. Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

The Glacier Bay NP has reviewed the following source documents and has incorporated a suite of proposed mitigation measures into their project description.

(1) Recommended best practices in Womble *et al.* (2013); Richardson *et al.* (1995); Pierson *et al.* (1998); and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic and visual stimuli associated with the activities Glacier Bay NP and/or its designees has proposed to implement the following mitigation measures for marine mammals:

- Perform pre-survey monitoring before deciding to access a study site;
- Avoid accessing a site based on a pre-determined threshold of animals present; sites used by pinnipeds for pupping; or sites used by Steller sea lions;
- Perform controlled and slow ingress to the study site to prevent a stampede and select a pathway of approach to minimize the number of marine mammals harassed;
- Monitor for offshore predators. Avoid approaching the study site if killer whales (Orcinas orca) are present. If Glacier Bay and/or its designees see predators in the area, they must not disturb the animals until the area is free of predators.
- Maintain a quiet research atmosphere in the visual presence of pinnipeds.

Pre-Survey Monitoring: Prior to deciding to land onshore to conduct the study, the researchers would use high-powered image stabilizing binoculars from the watercraft to document the number, species, and location of hauled out marine mammals at each island. The vessels would maintain a distance of 328 to 1,640 ft (100 to 500 m) from the shoreline to allow the researchers to conduct pre-survey monitoring.

Site Avoidance: Researchers would decide whether or not to approach the island based on the species present, number of individuals, and the presence of pups. If there are high numbers (greater than 25) of hauled out harbor seals and/or young pups or there are any Steller sea lions present, the researchers will not approach the island and will not conduct gull monitoring research.

Controlled Landings: The researchers would determine whether to approach the island based on the number and type of animals present. If the island has fewer than 25 individuals without pups, he/she would approach the island by motorboat at a speed of approximately 2 to 3 knots (2.3 to 3.4 mph). This would provide enough time for any marine mammals present to slowly enter the water without panic or stampede. The researchers would also select a pathway of approach farthest from the hauled out harbor seals to minimize disturbance.

Minimize Predator Interactions: If marine predators (i.e. killer whales) are present in the vicinity of hauled out marine mammals, the researchers would not approach the study site.

Noise Reduction Protocols: While onshore at study sites, the researchers would remain vigilant for hauled out marine mammals. If marine mammals are present, the researchers would move slowly and use quiet voices to minimize disturbance to the animals present.

Mitigation Conclusions

NMFS has carefully evaluated Glacier Bay NP's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential

measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals exposed to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).
5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.
6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of Glacier Bay NP's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for Authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that we expect to be present in the proposed action area.

Glacier Bay NP submitted a marine mammal monitoring plan in section 13 of their Authorization application. NMFS or the Glacier Bay NP may modify or supplement the plan based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals in order to generate more data to contribute to the analyses mentioned later;
2. An increase in our understanding of how many marine mammals would be affected by the research activities and the likelihood of associating those exposures with specific adverse effects, such as behavioral harassment, temporary or permanent threshold shift;
3. An increase in our understanding of how marine mammals respond to acoustic and visual stimuli that we expect to result in take and how those anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

a. Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (i.e., we need to be able to accurately predict received level, distance from source, and other pertinent information);

b. Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (i.e., we need to be able to accurately predict received level, distance from source, and other pertinent information);

c. Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and
5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

As part of its Authorization application, Glacier Bay NP proposes to sponsor marine mammal monitoring during the present project, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the Authorization.

The Glacier Bay NP researchers will monitor the area for pinnipeds during all research activities. Monitoring activities will consist of conducting and recording observations on pinnipeds within the vicinity of the proposed research areas. The monitoring notes would provide dates and location of the researcher's activities and the number and type of species present. The researchers would document the behavioral state of animals present, and any apparent disturbance reactions or lack thereof.

Proposed Reporting

Glacier Bay NP will submit a final monitoring report to us no later than 90 days after the expiration of the Incidental Harassment Authorization, if we issue it. The final report will describe the operations conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The final report will provide:

1. A summary and table of the dates, times, and weather during all research activities.
2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.
3. An estimate of the number (by species) of marine mammals exposed to acoustic or visual stimuli associated with the research activities.
4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as

an injury (Level A harassment), serious injury, or mortality (e.g., vessel-strike, stampede, etc.), Glacier Bay NP shall immediately cease the specified activities and immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*). The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Glacier Bay NP shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with Glacier Bay to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Glacier Bay NP may not resume their activities until notified by us via letter, email, or telephone.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as we describe in the next paragraph), Glacier Bay NP will immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*). The report must include the same information identified in the paragraph above this section. Activities may continue while we review the circumstances of the incident. We will work with Glacier Bay NP to determine whether modifications in the activities are appropriate.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Glacier Bay will report the incident to the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*) within 24 hours of the discovery. Glacier Bay NP researchers will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. Glacier Bay NP can continue their research activities.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Acoustic (i.e., increased sound) and visual stimuli from the proposed research activities may have the potential to result in the behavioral disturbance of some marine mammals. Thus, NMFS proposes to authorize take by Level B harassment only for the proposed seabird research activities on Boulder, Lone, and Flapjack Islands, and Geikie Rock, Alaska. NMFS proposes to authorize take by Level B harassment based upon the current acoustic exposure criteria shown in Table 2. Our practice has been to apply the 120 dB re: 1 μPa received level threshold for underwater continuous sound levels to determine whether take by Level B harassment occurs. Southall *et al.* (2007) provides a severity scale for ranking observed behavioral responses of both free-ranging marine mammals and laboratory subjects to various types of anthropogenic sound (see Table 4 in Southall *et al.* [2007]).

TABLE 2—NMFS' CURRENT ACOUSTIC EXPOSURE CRITERIA

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 microPa-m (cetaceans)/190 dB re 1 microPa-m (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for continuous noises)	120 dB re 1 microPa-m (rms)

Based on pinniped survey counts conducted by Glacier Bay NP (e.g., Mathews & Pendleton, 2006; Womble *et al.,* 2010), NMFS estimates that the research activities could potentially affect by Level B behavioral harassment 400 harbor seals over the course of the Authorization (Table 3). This estimate represents 12.6 percent of the Glacier Bay/Icy Strait stock of harbor seals and accounts for a maximum disturbance of 20 harbor seals each per visit at Boulder, Lone, and Flapjack Islands, and Geikie Rock, Alaska over a maximum level of five visits.

TABLE 3—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO ACOUSTIC AND VISUAL STIMULI DURING THE PROPOSED RESEARCH ACTIVITIES ON BOULDER, LONE, AND FLAPJACK ISLANDS, AND GEIKIE ROCK, ALASKA, JULY THROUGH SEPTEMBER, 2014

Species	Density estimate [1]	Est. number of individuals exposed	Proposed take authorization	Percent of species or stock [2]	Population trend [3]
Harbor seal	No data	400	400	12.6	Declining

TABLE 3—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO ACOUSTIC AND VISUAL STIMULI DURING THE PROPOSED RESEARCH ACTIVITIES ON BOULDER, LONE, AND FLAPJACK ISLANDS, AND GEIKIE ROCK, ALASKA, JULY THROUGH SEPTEMBER, 2014—Continued

Species	Density estimate [1]	Est. number of individuals exposed	Proposed take authorization	Percent of species or stock [2]	Population trend [3]
Steller sea lion	No data	0	0	0	Increasing

[1] No data = Insufficient data to determine density estimates for Boulder, Lone, and Flapjack Islands, and Geikie Rock.
[2] Table 1 in this notice lists the stock species abundance estimates that NMFS used to calculate the percentage of species/stock.
[3] The population trend information is from Allen and Angliss, 2013. No data = Insufficient data to determine population trend.

Harbor seals tend to haul out in small numbers (on average, less than 50 animals) at most sites with the exception of Flapjack Island. Animals on Flapjack Boulder Islands generally haul out on the south side of the Islands and are not located near the research sites located on the northern side of the Islands. Aerial survey maximum counts show that harbor seals sometimes haul out in large numbers at all four locations (see Table 2 in Glacier Bays NP's application), and sometimes individuals and mother/pup pairs occupy different terrestrial locations than the main haulout (J. Womble, personal observation).

Considering the conservation status for the Western stock of the Steller sea lion, the Glacier Bay NP researchers would not conduct ground-based or vessel-based surveys if they observe Steller sea lions before accessing Boulder, Lone, and Flapjack Islands, and Geikie Rock. Thus, NMFS expects no takes to occur for this species during the proposed activities.

The probability of vessel and marine mammal interactions (i.e., motorboat strike) occurring during the proposed research activities is unlikely due to the motorboat's slow operational speed, which is typically 2 to 3 knots (2.3 to 3.4 mph) and the researchers continually scanning the water for marine mammals presence during transit to the islands. Thus, NMFS does not anticipate that take would result from the movement of the motorboat.

There is no evidence that Glacier Bay NP's planned activities could result in injury, serious injury, or mortality within the action area. Moreover, the required mitigation and monitoring measures would minimize further any potential risk for injury, serious injury, or mortality. Thus, we do not propose to authorize any injury, serious injury, or mortality. We expect all potential takes to fall under the category of Level B harassment only.

Encouraging and Coordinating Research

Glacier Bay NP actively monitors harbor seals at breeding and molting haul out locations to assess trends over time (e.g., Mathews & Pendleton, 2006; Womble *et al.* 2010, Womble and Gende, 2013b). This monitoring program involves collaborations with biologists from the Alaska Department of Fish and Game, and the National Marine Mammal Laboratory. Glacier Bay NP will continue these collaborations and encourage continued or renewed monitoring of marine mammal species. Additionally, they would report vessel-based counts of marine mammals, branded, or injured animals, and all observed disturbances to the appropriate state and federal agencies.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (i.e., population level effects) forms the basis of a negligible impact finding. Thus, an estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, and the number of estimated mortalities, effects on habitat, and the status of the species.

In making a negligible impact determination, NMFS considers:

- The number of anticipated injuries, serious injuries, or mortalities;
- The number, nature, and intensity, and duration of Level B harassment; and
- The context in which the takes occur (e.g., impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);
- The status of stock or species of marine mammals (i.e., depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);
- Impacts on habitat affecting rates of recruitment/survival; and
- The effectiveness of monitoring and mitigation measures to reduce the number or severity of incidental take.

For reasons stated previously in this document and based on the following factors, Glacier Bay NP's specified activities are not likely to cause long-term behavioral disturbance, permanent threshold shift, or other non-auditory injury, serious injury, or death. These reasons include:

1. The effects of the research activities would be limited to short-term startle responses and localized behavioral changes due to the short and sporadic duration of the research activities. Minor and brief responses, such as short-duration startle or alert reactions, are not likely to constitute disruption of behavioral patterns, such as migration, nursing, breeding, feeding, or sheltering.

2. The availability of alternate areas for pinnipeds to avoid the resultant acoustic and visual disturbances from the research operations. Anecdotal reports from previous Glacier Bay NP activities have shown that the pinnipeds returned to the various sites and did not permanently abandon haul-out sites after Glacier Bay NP conducted their research activities.

3. There is no potential for large-scale movements leading to injury, serious injury, or mortality because the researchers would delay ingress into the landing areas only after the pinnipeds have slowly entered the water.

4. Glacier Bay NP limiting access to Boulder, Lone, and Flapjack Islands, and Geikie Rock if more than 25 animals are present or if Steller sea lions are present in the research areas.

NMFS does not anticipate that any injuries, serious injuries, or mortalities would occur as a result of Glacier Bay's proposed activities, and NMFS does not propose to authorize injury, serious injury, or mortality at this time.

Due to the nature, degree, and context of Level B (behavioral) harassment anticipated and described (see ''Potential Effects on Marine Mammals'' section in this notice), we do not expect the activity to impact rates of recruitment or survival for any affected species or stock. In addition, the research activities would not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and would not adversely impact marine mammal habitat.

NMFS preliminary finds that Glacier Bay NP's proposed activities will have a negligible impact on the affected species or stocks based on the analysis contained in this notice of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures.

Small Numbers

As mentioned previously, NMFS estimates that Glacier Bay NP's activities could potentially affect, by Level B harassment only, one species of marine mammal under our jurisdiction. For harbor seals, this estimate is small (12.6 percent) relative to the population size and we have provided the percentage of the harbor seal's regional population estimate that the activities may take by Level B harassment in Table 3 in this notice.

Based on the analysis contained in this notice of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that Glacier Bay NP's proposed activities would take small numbers of marine mammals relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Glacier Bay National Park prohibits subsistence harvest of harbor seals within the Park (Catton, 1995).

Endangered Species Act (ESA)

NMFS does not expect that Glacier Bay NP's proposed research activities would affect any species listed under the ESA. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

To meet our NEPA requirements for the issuance of an Authorization to Glacier Bay NP, we intend to prepare an Environmental Assessment (EA) titled, ''Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting Seabird Research in Glacier Bay Alaska.'' Prior to making a final decision on the issuance of an Authorization, we would decide whether or not to issue a Finding of No Significant Impact. NMFS will review all comments submitted in response to this notice to complete the NEPA process prior to making a final decision on the Authorization request.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes issuing an Incidental Harassment Authorization to Glacier Bay National Park for conducting seabird research July 22, 2014 through September 30, 2014, provided they incorporate the previously mentioned mitigation, monitoring, and reporting requirements.

Draft Proposed Authorization

This section contains the draft text for the proposed Authorization. NMFS proposes to include this language in the Authorization if issued.

Proposed Authorization Language

Glacier Bay National Park, P.O. Box 140, Gustavus, Alaska 99826 and/or its designees (holders of the Authorization) are hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) to harass small numbers of marine mammals incidental to conducting monitoring and research studies on glaucus-winged gulls (*Larus glaucescens*) within Glacier Bay National Park and Preserve in Alaska.

1. This Authorization is valid from July 22 through September 30, 2014.

2. This Authorization is valid only for research activities that would occur in the following specified geographic areas: Boulder (58°33′18.08″ N; 136°1′13.36″ W); Lone (58°43′17.67″ N; 136° 17′41.32″ W), and Flapjack (58°35′10.19″ N; 135°58′50.78″ W) Islands, and Geikie Rock (58°41′39.75″ N; 136°18′39.06″ W); and Tlingit Point Islet (58°45′16.86″ N; 136°10′41.74″ W) in Glacier Bay, Alaska.

3. Species Authorized and Level of Takes

a. The taking, by Level B harassment only, is limited to the following species: 400 Pacific harbor seals (*Phoca vitulina*).

b. The taking by injury (Level A harassment), serious injury or death of any of the species listed in Condition 3(a) or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

c. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401.

4. General Conditions

A copy of this Authorization must be in the possession of Glacier Bay National Park, its designees, and field crew personnel (including research collaborators) operating under the authority of this Authorization at all times.

5. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(a), the Holder of this Authorization is required to:

a. Conduct pre-survey monitoring before deciding to access a study site. Prior to deciding to land onshore of Boulder, Lone, or Flapjack Island or Geikie Rock, the Holder of this Authorization will use high-powered image stabilizing binoculars to document the number, species, and location of hauled out marine mammals at each island. The vessels will maintain a distance of 328 to 1,640 ft (100 to 500 m) from the shoreline.

i. If the Holder of the Authorization determines that there are greater than or equal to 25 harbor seals hauled out on the shoreline, the holder will not access the island and will not conduct the study at that time.

ii. If the Holder of the Authorization determines that Steller sea lions (*Eumetopias jubatus*) are present at the study site, the holder will not access the island and will not conduct the study at that time.

iii. If the Holder of the Authorization determines that there are greater than or equal to 25 harbor seal pups hauled out on the shoreline, the holder will not access the island and will not conduct the study at that time.

b. Minimize the potential for disturbance (to the lowest level practicable near known pinniped haul outs by boat travel and pedestrian approach during research activities) by: (1) performing controlled and slow ingress to the study site to prevent a stampede; and (2) selecting a pathway of approach farthest from the hauled out harbor seals to minimize disturbance.

c. Monitor for offshore predators. Avoid approaching the study site if killer whales (*Orcinas orca*) are present. If the Holder of this Authorization observes predators in the area, they must not disturb the animals until the area is free of predators.

d. Maintain a quiet research atmosphere in the visual presence of pinnipeds.

6. Monitoring

The holder of this Authorization is required to:

a. Record the date, time, and location (or closest point of ingress) of each visit to the research site.

b. Collect the following information for each visit:

i. composition of the marine mammals sighted, such as species, gender and life history stage (e.g., adult, sub-adult, pup);

ii. information on the numbers (by species) of marine mammals observed during the activities;

iii. the estimated number of marine mammals (by species) that may have been harassed during the activities;

iv. any behavioral responses or modifications of behaviors that may be attributed to the specific activities and a description of the specific activities occurring during that time (e.g., pedestrian approach, vessel approach); and

v. information on the weather, including the tidal state and horizontal visibility.

c. Observers will record marine mammal behavior patterns observed before, during, and after the activities; in the following manner:

i. Flushing into the water;

ii. stampeding into water;

iii. moving more than 1 meter (m), but not in the water; becoming alert and moving, but did not move more than 1 meter; or

v. changing the direction of current movement.

d. If applicable, note observations of marked or tag-bearing pinnipeds or carcasses, as well as any rare or unusual species of marine mammal.

e. If applicable, note the presence of any offshore predators (date, time, number, species).

7. Reporting

The holder of this Authorization is required to:

a. Draft Report: Submit a draft final report to the Chief, Permits and Conservation Division, Office of Protected Resources, Headquarters, NMFS within 90 days after the expiration of the Authorization. The report will include the information gathered pursuant to the monitoring requirements listed in Condition 6, along with an executive summary.

b. The Draft Report shall be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the Final Report prior to submission to NMFS. If we decide that the draft final report needs no comments, the draft final report will be considered to be the final report.

c. Final Report: Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, Headquarters, NMFS within 30 days after receiving comments from us on the draft final report.

8. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (e.g., vessel-strike, stampede, etc.), Glacier Bay National Park shall immediately cease the specified activities and immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*). The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Glacier Bay National Park shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with Glacier Bay National Park to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Glacier Bay National Park may not resume their activities until notified by us via letter, email, or telephone.

9. Reporting an Injured or Dead Marine Mammal With an Unknown Cause of Death

In the event that Glacier Bay National Park discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as we describe in the next paragraph), Glacier Bay National Park will immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*). The report must include the same information identified in the paragraph above this section. Activities may continue while we review the circumstances of the incident. NMFS will work with Glacier Bay National Park to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal not Related to Glacier Bay National Park's Activities

In the event that Glacier Bay National Park discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Glacier Bay will report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Alaska Regional Stranding Coordinator at (907) 586–7248 (*Aleria.Jensen@noaa.gov*) within 24 hours of the discovery. Glacier Bay NP researchers will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. Glacier Bay National Park can continue their research activities.

Request for Public Comments

NMFS requests comments on our analysis, the draft authorization, and any other aspect of the Notice of proposed Authorization for Glacier Bay National Park's activities. Please include any supporting data or literature citations with your comments to help inform our final decision on Glacier Bay National Park's request for an application.

Dated: May 29, 2014.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–12904 Filed 6–3–14; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 June 2014, at 9 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: May 29, 2014 in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2014–12902 Filed 6–3–14; 8:45 am]

BILLING CODE 6330–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–HA–0086]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 4, 2014.

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Health Agency (DHA), ATTN: Clinical Support Division, Healthcare Operations Directorate, 7700 Arlington Boulevard, Falls Church, VA 22042–5101, or call (703) 681–0064.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Patient Safety Survey; OMB Control Number 0720–0034.

Needs and Uses: The 2001 National Defense Authorization Act contains specific sections addressing patient safety in military and veterans health care systems. This legislation states that the Secretary of Defense shall establish a patient care error reporting and management system to study occurrences of errors in patient care and that one purpose of the system should be to ''identify systemic factors that are associated with such occurrences'' and ''to provide for action to be taken to correct the identified systemic factors'' (Sec. 754, items b2 and b3). In addition, the legislation states that the Secretary shall ''continue research and development investments to improve communication, coordination, and team work in the provision of health care'' (Sec. 754, item d4).

In its ongoing response to this legislation and in support of its mission to ''promote a culture of safety to eliminate preventable patient harm by engaging, educating and equipping patient-care teams to institutionalize evidence-based safe practices,'' the DoD Patient Safety Program plans to field the Tri-service Patient Safety Culture Survey. The Culture Survey is based on the Department of Health and Human Services' Agency for Healthcare Research and Quality's validated survey instrument. Previously administered in 2005/6 and 2008, the survey obtains MHS staff opinions on patient safety issues such as teamwork, communications, medical error occurrence and response, error reporting, and overall perceptions of patient safety. The purpose of the survey is to assess the current status of patient safety in MHS facilities and to assess patient safety improvement over time. Two versions of the survey will be available for administration. The inpatient survey tool is the same, OMB-approved tool that was administered in previous years. There will also be a corresponding outpatient survey tool, with congruous questions tailored to the ambulatory or clinic setting. Respondents will select the survey corresponding to their care survey.

Affected Public: Federal Government; Individuals or Households.

Annual Burden Hours: 2,337 hours.

Number of Respondents: 14,022.

Responses per Respondent: 1.

Total Annual Responses: 14,022.

Average Burden per Response: 10 minutes.

Frequency: On Occasion.

The Web-based survey will be administered on a voluntary-basis to all

staff working in Army, Navy, and Air Force Military Health System (MHS) direct care facilities in the U.S. and internationally, including Military Treatment Facilities (MTF) hospitals as well as ambulatory and dental services. Responses and respondents will remain anonymous. There are two versions of the survey that may be administered, corresponding to the setting in which care is delivered, either Hospital (inpatient) or Ambulatory (outpatient/clinic setting).

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12961 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0087]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (Military Personnel Policy), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel and Readiness) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 4, 2014.

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy), ATTN: MAJ Justin DeVantier, 4000 Defense Pentagon, Washington, DC 20301–4000 or call at 703–695–5527.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Record of Military Processing—Armed Forces of the United States; USMEPCOM Form 680–3A–E, DD Form 1966; OMB Control Number 0704–0173.

Needs and Uses: This information collection requirement is necessary to gather the required data for determining eligibility to join the Armed Forces and for establishing personal records on those enlisting. USMEPCOM Form 680–3A–E serves as the initial medical release authorization, processing checklist and security verification form for applicants applying for military service to record qualification requirements. Information collected on USMEPCOM Form 680–3A–E is transferred electronically into DD Form 1966 and helps decrease administration time required to complete the applicant's record.

Affected Public: Individuals or Households.

USMEPCOM Form 680–3A–E

Annual Burden Hours: 155,100 hours.
Number of Respondents: 423,000.
Responses per Respondent: 1.
Total Annual Responses: 423,000.
Average Burden per Response: 22 minutes.

DD Form 1966

Annual Burden Hours: 141,000 hours.
Number of Respondents: 423,000.
Responses per Respondent: 1.
Total Annual Responses: 423,000.
Average Burden per Response: 20 minutes.
Total Annual Burden Hours: 296,100 hours.
Frequency: On Occasion.

USMEPCOM Form 680–3A–E is completed on all applicants at MEPS first contact for processing; testing, medical, and other requirements. The 680–3A–E authorizes the MEPS to collect information to begin the process required to meet enlistment qualifications. The MEPCOM 680–3A–E is the applicant authorization to release to the MEPS a complete transcript of medical records. This release is for the purpose of further evaluation of my medical acceptability under military medical fitness standards. The information collected on USMEPCOM Form 680–3A–E is transferred electronically into the DD Form 1966 after the applicant meets enlistment standards and decides to enlist.

The DD Form 1966 is completed by the applicant and Service recruiter after an oral interview and after the applicant had met all standards for enlistment (aptitude, medical, and conduct standards) mandated by DoD and sponsoring Service and elects to enlist. The information is collected and processed within a one-to two-day period and accompanies the applicant throughout the enlistment process at Military Entrance Processing Stations (MEPS).

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–12983 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0084]

Proposed Collection; Comment Request

AGENCY: National Guard Bureau, DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the National Guard Bureau (NGB), Directorate of Management (DM) announces a proposed public information collection and seeks public comment on the

provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 4, 2014.

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

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

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the National Guard, Manpower and Personnel Division (NG–J1), ATTN: Mr. Mark Woods. 111 S George Mason Dr. Arlington, VA 22204.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Joint Services Support (JSS) System; 0704–XXXX.

Needs and Uses: The information collection requirement is necessary for the National Guard Bureau and its participating programs (Yellow Ribbon Reintegration Program (Guard and Reserve component-wide), Family Program, Employer Support Program, financial Management Awareness Program, Sexual Assault Prevention and Response Program, Psychological Health Program, and Warrior Support Program) to ensure key activities may be associated with system-registrants for program management, accountability, reporting and support purposes. Examples of use of such information include, validating event registration and attendance, enabling users to login to system to facilitate outreach and communication activities, enabling leadership across the participating programs, with oversight and reporting.

In addition, JSS plans on collecting Civilian Employer Information (CE) from Service members. Defense Manpower Data Center (DMDC) will be ceasing its CEI Web site as of October 1, 2012. The service components as a result have been tasked to take over the collection of CEI prior to this date.

JSS in particular helps the Yellow Ribbon Reintegration Program and (in the future) also help Employer Support for the Guard and Reserve, reporting program activities, as required by a congressional mandate.

Affected Public: Individuals or households; Federal Government; State, Locale or Tribal Government.

Annual Burden Hours: 2,000.

Number of Respondents: 12,000.

Responses per Respondent: 1.

Total Annual Responses: 12,000.

Average Burden per Response: 10 minutes.

Frequency: On Occasion.

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12938 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–OS–0041]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: The 2014 Post-Election Voting Survey of Local Election Officials; OMB Control Number: 0704–0125.

Type of Request: Revision

Number of Respondents: 900

Responses per Respondent: 1

Annual Responses: 900

Average Burden per Response: 20 minutes

Annual Burden Hours: 300

Needs and Uses: The information collection requirement is necessary to fulfill the mandate of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA of 1986 [42 USC 1973ff]). UOCAVA requires a statistical analysis report to the President and Congress on the effectiveness of assistance under the Act, a statistical analysis of voter participation, and a description of State/Federal cooperation.

Affected Public: State, Local or Tribal Government

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

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

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

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

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12937 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2014–HA–0085]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs (DHA), DoD.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs (DHA) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 4, 2014.

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

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

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

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Health Agency, Medical Benefits and Reimbursement Branch (MB&RB), 16401 E. Centretech Parkway, Aurora, CO 80011–9066, or (303) 676–3565.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: TRICARE DoD/CHAMPUS Medical Claim—Patient's Request for Medical Reimbursement; DD Form 2642; OMB Control Number 0720–0006.

Needs and Uses: This form is used solely by beneficiaries requesting reimbursement for medical expenses under the TRICARE Program. The information collected will be used by TRICARE/CHAMPUS to determine beneficiary eligibility; other health insurance eligibility; certification of the beneficiary eligibility and other health insurance liability; certification that the beneficiary received the care and reimbursement for the medical services received.

Affected Public: Individuals or households.

Annual Burden Hours: 750,000.

Number of Respondents: 3,000,000.

Responses per Respondent: 1.

Total Annual Responses: 3,000,000.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

This collection instrument is for use by beneficiaries under the TRICARE Program. TRICARE/CHAMPUS is a health benefits entitlement program for the dependents of active duty Uniformed Services members and deceased sponsors, retirees and their dependents, dependents of the Department of Homeland Security (Coast Guard) sponsors, and certain North Atlantic Treaty Organizations, National Oceanic and Atmospheric Administration, and Public Health Service eligible beneficiaries. DD Form 2642 is used sole by TRICARE/CHAMPUS beneficiaries to file for reimbursement of costs paid to providers and suppliers for authorized health care services or supplies.

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–12949 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2013–0018]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form And OMB Number: Air Force Safety Automated System (AFSAS); OMB Control Number 0701–XXXX.

Type Of Request: New Collection

Number of Respondents: 200

Responses per Respondent: 1

Annual Responses: 200

Average Burden per Response: 1 hour

Annual Burden Hours: 200

Needs And Uses: Information collected in the AFSAS includes individuals determined to be a factor in an Air Force (AF) or Department of Defense (DoD) mishap. The system meets DoD Instruction 6055.1 series reporting requirements governing aviation, space, weapons, and ground safety. Data collection includes personnel who are involved in a DoD related mishap, or experience an injury, illness or exposure while on a military installation or other areas under military control. It also includes personnel who operate a motorcycle on or off duty and personnel who operate a motorcycle on or off a DoD installation when in a duty status on official business. Data are used for analysis of safety risk and for prevention of mishaps.

Affected Public: Individuals or Households

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

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

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

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

DOD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: May 29, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–12846 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Availability of Federally Owned Inventions; Available for Licensing

ACTION: Notice.

SUMMARY: Pursuant to the provisions of part 404 of title 37, Code of Federal Regulations, which implements Public Law 96–517, as amended; the Department of the Air Force announces the availability of Air Force owned invention U.S. Patent Application Serial No. 14/187,378, titled ''Radio Interface,'' by Burnett et al., filed February 24, 2014, for Licensing from the Air Force Research Laboratory, 711th Human Performance Wing. Licensing inquiries should be sent to and license application form obtained from: Joan Wu-Singel, TechLink, 2310 University Way, Bldg. 2–2, Bozeman, MT 59715; email: *jwu-singel@montana.edu;* facsimile: (406) 994–7701; telephone: 406–994–7705. TechLink is an authorized DoD partnership intermediary.

FOR FURTHER INFORMATION CONTACT: John Schutte, Technology Transfer Specialist, 711th Human Performance Wing; email: *john.schutte.3@us.af.mil;* telephone 937–255–3796.

Henry Williams,

DAF, Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2014–12855 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Scientific Advisory Board; Notice of Meeting

AGENCY: Department of the Air Force, U.S. Air Force Scientific Advisory Board.

ACTION: Meeting notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that the United States Air Force Scientific Advisory Board (SAB) meeting will take place 24 June 2014 at the Secretary of the Air Force Technical and Analytical Support Conference Center, 1550 Crystal Drive, Arlington, VA 22202. The meeting will be from 7:45 a.m.–5:00 p.m. on Tuesday, 24 June 2014, with the sessions from 7:45 a.m.–10:45 a.m. open to the public.

The purpose of this Air Force Scientific Advisory Board quarterly meeting is to discuss and deliberate on the findings and recommendations of the FY14 SAB studies addressing scientific and technical challenges with combating sexual assault in the Air Force; nuclear command, control & communications in the cyber age; technology readiness for hypersonic vehicles; and defending forward Air Force bases. Potential FY15 SAB study topics will also be discussed.

In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, some sessions of the United States Air Force Scientific Advisory Board meeting will be closed to the public because they will discuss information and matters covered by section 5 U.S.C. 552b(c) (1).

Any member of the public wishing to attend or provide input to the United States Air Force Scientific Advisory Board should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the United States Air Force Scientific Advisory Board until its next meeting. The Designated Federal Officer will review all timely submissions with the United States Air Force Scientific Advisory Board Chairperson and ensure they are provided to members of the United States Air Force Scientific Advisory Board before the meeting that is the subject of this notice.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2014–12856 Filed 6–3–14; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Gaining Early Awareness and Readiness for Undergraduate Programs (State Grants)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information:

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.334S.

DATES:

Applications Available: June 4, 2014.

Deadline for Transmittal of Applications: July 7, 2014.

Deadline for Intergovernmental Review: September 2, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The GEAR UP Program is a discretionary grant program that provides funding for academic and related support services to eligible low-income students, including students with disabilities, to help them to obtain a secondary school diploma and to prepare for and succeed in postsecondary education. Services must include providing financial aid information, encouraging enrollment in challenging coursework in order to reduce the need for remediation at the postsecondary level, and implementing

activities to improve the number of students who obtain a high school diploma and complete applications for and enroll in a program of postsecondary education. GEAR UP funds may also be used to provide a number of additional support services such as mentoring, tutoring, academic and career counseling, and exposure to college campuses.

Priorities: This notice contains three competitive preference priorities and one invitational priority. Competitive Preference Priority 1 is from section 404A(b)(3) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070a–21), and the GEAR UP Program regulations in 34 CFR 694.19. Competitive Preference Priorities 2 and 3 are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486) and corrected on May 12, 2011 (76 FR 27637) (Supplemental Priorities).

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 10 points to an application, depending on how well the application meets these priorities.

Competitive Preference Priority 1—Successful Completion of Prior GEAR UP Projects (up to 2 additional points):

We give priority to an eligible applicant for a State GEAR UP grant that has: (a) Carried out a successful State GEAR UP grant prior to August 14, 2008, determined on the basis of data (including outcomes data) submitted by the applicant as part of its annual and final performance reports and the applicant's history of compliance with applicable statutory and regulatory requirements; and (b) a prior demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies.

Competitive Preference Priority 2—Increasing Postsecondary Success (up to 5 additional points):

Background:

The Department is using Competitive Preference Priority 2 to focus on increasing readiness for success once students reach the postsecondary level. Postsecondary completion rates among students from low-income schools are unacceptably low. The Department believes that GEAR UP projects can play a strong role in improving postsecondary outcomes of their participants by placing a greater emphasis in two areas: (1) College fit, and (2) college readiness at the postsecondary level. The Department is interested in receiving applications with strong plans designed to address one or both of these focus areas.

College Fit:

The concept of college fit combines traditional approaches to college advising such as assistance with test preparation, research, admissions applications, and financial aid applications, with strategies to improve college selection so that students are more aware of and likely to seriously consider or choose institutions that are a good ''fit'' with their level qualifications, academic and career interests, and financial, personal, and social needs. College fit builds on the body of research on ''undermatching,'' which demonstrates that students are more likely to complete college when they attend the most academically demanding institution that will admit them. Research has also found that academically prepared low-income students may not be fully aware of the colleges accessible to them and may not be evaluating a full range of college choice factors that could influence the decision about whether to apply to and enroll in the most selective colleges for which they are qualified.[1] Research indicates that high-achieving low-income students have greater success at more appropriately matched institutions.[2] More narrowly, research on very high-achieving, low-income students has demonstrated that these students will apply to highly selective institutions if it is communicated that they could be admitted to selective institutions and if they understand that financial aid is available.[3] Understanding that GEAR UP projects serve students with widely varying levels of academic achievement, and college selection is based on numerous factors, we are interested in receiving applications for GEAR UP funds that propose strategies around improving college guidance opportunities and successful fit for a broad range of low-income students, not just the highest performers. In this regard, we believe that GEAR UP grantees can improve college fit by designing new ways to reach students with information about college options and improving counseling on college selection, such as

- Exposing students to a wider array of college options including those that match with their academic qualifications;
- Using a variety of ways to communicate semi-customized information to students about the range of colleges for which they may be qualified, the availability and scale of financial aid, and the relationship of long term considerations (such as graduation rate and post-graduate opportunities) to college choice.[4]
- Using innovative methods to reach students, such as through text messaging, with information about college options and completing the application process, and using innovative resources and tools, including those available online, to assist students in researching college options and available financial aid;[5] and,
- Connecting students to ''near peer'' advisers to provide counseling to students about college choices.[6] Near peer advisers offer students unique opportunities for sharing college information, are easier for students to approach than adult advisers, and typically develop relationships that are longer lasting than those established with adults.

Ensuring College Readiness by Preventing Remediation:

GEAR UP grantees can improve college readiness by identifying at an early age students likely to be referred to remediation at the postsecondary level and by engaging in strategies to address their needs at the secondary level to make taking such courses in college unnecessary. Each year, rather than being able to enroll in entry level general education courses in subject areas such as reading or math that are required as a part of almost any postsecondary program of study, millions of beginning college students

[1] Jonathan Smith, Matea Pender, Jessica Howell, ''The Full Extent of Student-College Academic Undermatch,'' College Board Advocacy and Policy Center, January 2012, *www.aefpweb.org/sites/default/files/webform/Extent%20of%20Undermatch.pdf.*

[2] William G. Bowen, Matthew M. Chingos & Michael S. McPherson, Crossing the Finish Line: Completing College at America's Public Universities, Princeton University Press, 2011.

[3] Caroline Hoxby & Sarah Turner, ''Expanding College Opportunities for High-Achieving, Low Income Students,'' Stanford Institute for Economic Policy Research, March 2013.

[4] Caroline Hoxby & Sarah Turner, ''Expanding College Opportunities for High-Achieving, Low Income Students,'' Stanford Institute for Economic Policy Research, March 2013, *http://siepr.stanford.edu/?q=/system/files/shared/pubs/papers/12-014paper.pdf.*

[5] Benjamin L. Castleman and Lindsay C. Page, ''Summer Nudging: Can Personalized Text Messages and Peer Mentor Outreach Increase College Going Among Low-Income High School Graduates?,'' Center on Education Policy and Workforce Competitiveness, updated October 2013, *http://curry.virginia.edu/uploads/resourceLibrary/9_Castleman_SummerTextMessages.pdf.*

[6] See MDRC, ''Make Me a Match,'' April 2012, (*http://www.mdrc.org/sites/default/files/policybrief_24.pdf*).

are referred to noncredit-bearing ''developmental'' or ''remedial'' courses based on their performance on a placement test or academic reference. Remedial or developmental courses are designed to bring academically underprepared students to expected competency levels for college-level work. Remediation needs are common at all types of colleges. The share of first year undergraduate students at four-year institutions who reported taking a remedial course in 2012 is approximately 29.5 percent at public, 19.6 percent at private nonprofit, and 23.1 percent at for-profit institutions. At two-year institutions, 40.3 percent of first year undergraduate students at public and 17.3 percent at for-profit institutions reported taking a remedial course in 2012.[7] While participation rates vary widely across States and institution types, African American and Hispanic students are referred to remedial courses at higher rates. Further, low-income students are more likely to be referred to remedial courses in comparison to the overall percentage of students requiring remediation.[8]

Remedial education is one of the leading barriers to postsecondary persistence and completion.[9] While in remediation, students spend time and money, accumulate debt, suffer the opportunity cost of lost earnings, and in some cases, deplete all or a significant portion of their eligibility for financial aid. Further, available evidence suggests that participation in remedial education, especially longer sequences of remedial courses, does not improve outcomes.[10]

Because of its focus on low-income middle school and high school students, GEAR UP may be uniquely situated for early identification of students at risk of needing remediation. GEAR UP programs may also engage in coordinated and targeted interventions that provide academic and counseling services to at-risk students while still in high school to reduce the need for remediation before reaching college, through promising practices such as—

- Using results from State achievement tests from early grades to identify students likely to need remediation should they enroll in college; [11]
- Conducting early assessments for GEAR UP participants while they are in high school to identify academic weaknesses that may be predictive of future remediation needs and targeting supports such as tutoring and counseling to help ensure these students graduate from high school academically prepared for college;
- Offering a ''bridge program'' during the summer before college to help students better prepare for institutional course placement exams and the academic transition into college in the fall; or,
- In the project's 7th year (for applicants seeking a 7th year of funding), in which students would be in their first year of postsecondary study, focusing support services on students enrolled in remediation courses, such as by providing enhanced academic and career advising and targeted tutoring services.

Additionally, GEAR UP grantees can support coordination with State systems by building upon and complementing early remediation intervention strategies that are implemented by schools and local educational agencies in response to their status under State accountability systems.

Priority:

Projects that are designed to address one or more of the following priority areas: (a) Increasing the number and proportion of high-need students (as defined in this notice) who are academically prepared for and enroll in college or other postsecondary education and training, and (b) Increasing the number and proportion of high-need students who enroll in and complete high-quality programs of study (as defined in this notice) designed to lead to a postsecondary degree, credential, or certificate.

Competitive Preference Priority 3—Implementing Internationally Benchmarked, College-and Career-Ready Elementary and Secondary Academic Standards (up to 3 additional points):

Background:

In recent years, many States have adopted internationally benchmarked, college- and career-ready academic standards for elementary and secondary school students. GEAR UP grantees can support States in this effort by developing projects designed to assist students in meeting these standards. Applicants could, for example, propose to align their curriculum and instructional materials with college and career ready academic standards or provide academic and social supports to prepare more students to take Advanced Placement or International Baccalaureate courses and enroll in dual enrollment programs where they are available.

Priority:

Projects that are designed to support the implementation of internationally benchmarked, college- and career-ready academic standards held in common by multiple States and to improve instruction and learning, including projects in one or more of the following priority areas:

(a) The development or implementation of curriculum or instructional materials aligned with those standards.

(b) The development or implementation of professional development or preparation programs aligned with those standards.

(c) Strategies that translate the standards into classroom practice.

Note: The GEAR UP statute (20 U.S.C. 1070a–21–1070a–28) and applicable cost principles contained in U.S. Office of Management and Budget Circular A–87 (now redesignated as 2 CFR part 225) do not authorize a State grantee to use GEAR UP program funds to implement activities needed to address this priority unless doing so focuses only on the eligible students in local educational agencies (LEAs) participating in the State's GEAR UP project. However, a State grantee may use Federal funds to provide supplemental help that participating LEAs need to implement any part of the State's or LEA's strategies for meeting this competitive preference priority. Similarly, a State also may use GEAR UP program funds to provide supplemental assistance to LEAs that have received funding under the Investing in Innovation (i3) program to implement strategies and activities that align with State strategies for preparing eligible GEAR UP students to attend and succeed in postsecondary education. These strategies may include the development of graduation and career plans.

Invitational Priority—Development of Non-Cognitive Skills: For FY 2014 and any subsequent year in which we make awards from the list of unfunded

[7] ''National Postsecondary Student Aid Study 2011–12,'' National Center for Education Statistics, 2012. (*http://nces.ed.gov/datalab/tableslibrary/viewtable.aspx?tableid=9420*).

[8] Complete College America. 2012. *Remediation: Higher Education's Bridge to Nowhere* (*www.completecollege.org/docs/CCA-Remediation-final.pdf*).

[9] MDRC, Unlocking the Gate: What We Know About Improving Developmental Education, June 2011 (*http://www.mdrc.org/sites/default/files/full_595.pdf*).

[10] Attewell, P. A., Lavin, D. E., Domina, T., & Levey, T. 2006. *New Evidence on College Remediation.* The Journal of Higher Education. (*www.jstor.org/stable/3838791* (even after controlling for high school preparation and family background, taking developmental courses reduced the chances of graduation at four-year colleges and universities by 6 to 7 percent). Thomas Bailey, Dong Wook Jeong, Sung-Woo Cho. *Referral, Enrollment, and Completion in Developmental Education Sequences in Community Colleges.* Community College Research Center, Working Paper No. 15. November 2009 (*http://ccrc.tc.columbia.edu/media/k2/attachments/referral-enrollment-completion-developmental.pdf*).

[11] It is important to note that in some cases, depending on the identity of the grantee and structure of any partnership, access to student records such as test scores may be limited by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99).

applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

Background:

An emerging body of research suggests that non-cognitive skills and behaviors play an important role in students' academic, career, and life outcomes.[12] The development of these skills is especially critical during the middle school years as students face new academic challenges, social comparisons, and stereotypes regarding their potential for success. How students negotiate these changes has major implications for their academic futures.

For example, interventions focused on academic mindset (e.g., a sense of belonging in the academic community, believing academic achievement improves with effort, and that challenges are inevitable for success) have been shown to have a measurable impact on grades and course persistence, high school graduation, and college enrollment among low-income and minority students. Strategies focused on strengthening perseverance (e.g., tenacity and self-discipline) and social and emotional skills (e.g., cooperation, empathy, adaptability, and executive functions) have also demonstrated positive outcomes.

For example, middle school students who participated in a series of ''Possible Selves'' workshops in which they imagined themselves as adults and the positive and negative factors that could help or hinder their goals had higher test scores and GPAs two years after the program than those who did not receive the intervention.[13] Likewise, students from an inner city school in New York who participated in an eight-week mentorship program that taught them how intelligence is malleable and that the brain can grow like a muscle exhibited increased motivation and improved math grades compared to the control group.[14]

With this invitational priority, the Department intends to encourage applicants to incorporate strategies and interventions to strengthen traditionally underserved students' non-cognitive skills, so that they are able to pursue a successful path to high school graduation and college success.

Priority:

Development of Non-Cognitive Skills: Projects that include strategies to improve students' non-cognitive skills and behaviors, including academic mindset, perseverance, motivation, and mastery of social and emotional skills that improve student success.

Definitions: These definitions are from the Supplemental Priorities and they apply to Competitive Preference Priorities 2 in this notice.

High-need children and high-need students means children and students at risk of educational failure, such as children and students who are living in poverty, who are English learners, who are far below grade level or who are not on track to becoming college- or career-ready by graduation, who have left school or college before receiving, respectively, a regular high school diploma or a college degree or certificate, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who are pregnant or parenting teenagers, who have been incarcerated, who are new immigrants, who are migrant, or who have disabilities.

Programs of study means career and technical education programs of study, which may be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas, that—(a) Incorporate secondary education and postsecondary education elements; (b) Include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education; (c) May include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and (d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

Program Authority: 20 U.S.C. 1070a–21–1070a–28.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 694. (d) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486) and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $37,762,760.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $2,500,000–$3,500,000.

Estimated Average Size of Awards: $3,000,000.

Maximum Award: We will not fund any application for a State grant above the maximum award of $3,500,000 for a single budget period of 12 months. Additionally, no funding will be awarded for increases in budget after the first 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 84 months.

III. Eligibility Information

1. *Eligible Applicants:* States.

2.a. *Cost Sharing or Matching:* Section 404C(b)(1) of the HEA requires grantees under this program to provide from State, local, institutional, or private funds, not less than 50 percent of the cost of the program (or $1 of non-Federal funds for $1 of Federal funds awarded), which may be provided in cash or in-kind. In-kind contributions may include equipment and supplies, cash contributions from non-Federal sources, discounted program services

[12] The University of Chicago Consortium of Chicago School Research (June 2012). Teaching Adolescents to Become Learners: The Role of Noncognitive Factors in Shaping School Performance. See *http://raikesfoundation.org/Documents/Teaching%20Adolescents%20to%20Become%20Learners%20(CCSR%20Literature%20Review%20June%202012).pdf.*

[13] Oyserman, D., Bybee, D., & Terry, K. (2006). *Possible selves and academic outcomes: How and when possible selves impel action.* Journal of Personality and Social Psychology, 91, 188–204.

[14] Blackwell, L.S., Trzesniewski, K.H. and Dweck, C.S. (2007), *Implicit Theories of Intelligence Predict Achievement Across an Adolescent Transition: A Longitudinal Study and an Intervention.* Child Development, 78: 246–263.

and facility usage. The provision also provides that the match may be accrued over the full duration of the grant award period, except that the grantee must make substantial progress towards meeting the matching requirement in each year of the grant award period.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 404B(e) of the HEA, grant funds awarded under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this program (20 U.S.C. 1070a–22).

3. *Other:* Under Section 404E(b)(1) of the HEA for State grants, a State must use not less than 25 percent and not more than 50 percent of the grant funds for activities targeted at the LEA level as described in section 404D (excluding the reservation of funds for postsecondary scholarships provided for in section 404D(a)(4) and with the remainder of grant funds spent on postsecondary scholarships to eligible GEAR UP students as described in section 404E). However, section 404E(b)(2), of the HEA permits the Secretary to allow a State to use more than 50 percent of grant funds received under this program for activities targeted at the LEA level if the State demonstrates in its grant application that it has another means of providing the students with the financial assistance described in section 404E.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site at: *http://www2.ed.gov/programs/gearup/index.html.*

You also can request a copy of the application package from the following: Nofertary Fofana, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. Telephone: (202) 502–7533 or by email: *nofertary.fofana@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to assess your application. There is a limit for the application narrative of no more than 40 pages using the following standards:

- A ''page'' is 8.5″ x 11″ , on one side only, with 1″ margins at the top, bottom, and both sides.

Note: For purposes of determining compliance with the 40 page limit, each page on which there are words will be counted as one full page.

- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, endnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application may be single spaced.
- Use a font that is either 12-point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limits do not apply to the cover sheet; the budget section, including the budget narrative and summary form; the assurances and certifications; or the one-page abstract. If you include any attachments or appendices not specifically requested and required for the application, these items will be counted as part of the narrative for the purposes of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 4, 2014.

Deadline for Transmittal of Applications: July 7, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 2, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. Data Universal Numbering System Number, Taxpayer Identification Number, and *System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS

number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the GEAR UP State Grant Competition, CFDA number 84.334S, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the GEAR UP State Grant competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.334, not 84.334A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case

Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and,
- No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Nofertary Fofana, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. FAX: (202) 219–7074.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334S) LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.334S) 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 of EDGAR and are listed in the application package. As described in more detail in the application package, among other criteria, the Department will be assessing applications on the extent to which their proposed projects are supported by strong theory (34 CFR 75.210(c)(2)(xxix)) and the extent to which their proposed evaluation designs are likely to document evidence of promise (34 CFR 75.210(h)(2)(x)).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The objectives of the GEAR UP Program are—(1) to increase the academic performance and preparation for postsecondary education of participating students; (2) to increase the rate of high school graduation and participation in postsecondary education of participating students; and (3) to increase educational expectations for participating students and increase student and family knowledge of postsecondary education options, preparation, and financing.

The effectiveness of this program depends on the rate at which program participants complete high school and enroll in and complete a postsecondary education. Under the Government Performance and Results Act of 1993 (GPRA), we developed the following performance measures to track progress toward achieving the program's goals:

1. The percentage of GEAR UP students who pass Pre-algebra by the end of 8th grade.
2. The percentage of GEAR UP students who pass Algebra 1 by the end of 9th grade.
3. The percentage of GEAR UP students who take two years of mathematics beyond Algebra 1 by the 12th grade.
4. The percentage of GEAR UP students who graduate from high school.

Note: For each GEAR UP project, the high school graduation rate is defined in the State's approved accountability plan under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

5. The percentage of GEAR UP students and former GEAR UP students who are enrolled in college.
6. The percentage of GEAR UP students who place into college-level Math and English without need for remediation.
7. The percentage of current GEAR UP students and former GEAR UP students enrolled in college who are on track to graduate college.
8. The percentage of GEAR UP students who complete the Free Application for Federal Student Aid.
9. The percentage of GEAR UP students who are on track for graduation at the end of each grade.
10. The percentage of GEAR UP students who are on track to apply for college as measured by completion of the SAT or ACT by the end of 11th grade.
11. The percentage of parents of GEAR UP students who actively engage in activities associated with assisting students in their academic preparation for college.

In addition, to assess the efficiency of the program, we track the average cost in Federal funds, of achieving a successful outcome, where success is defined as enrollment in postsecondary education of GEAR UP students immediately after high school graduation. These performance measures constitute GEAR UP's indicators of the success of the program. Grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Nofertary Fofana, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. Telephone: (202) 502–7533 or by email: *nofertary.fofana@ed.gov.*

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

Dated: May 30, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–12984 Filed 6–3–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Gaining Early Awareness and Readiness for Undergraduate Programs (Partnership Grants)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

Overview Information

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP).

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.334A.

DATES:

Applications Available: June 4, 2014.

Deadline for Transmittal of Applications: July 7, 2014.

Deadline for Intergovernmental Review: September 2, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The GEAR UP Program is a discretionary grant program that provides funding for academic and related support services to eligible low-income students, including students with disabilities, to help them obtain a secondary school diploma and to prepare for and succeed in postsecondary education. Services must include providing financial aid information, encouraging enrollment in challenging coursework in order to reduce the need for remediation at the postsecondary level, and implementing activities to improve the number of students who obtain a high school diploma and complete applications for and enroll in a program of postsecondary education. GEAR UP funds may also be used to provide a number of additional support services such as mentoring, tutoring, academic and career counseling, and exposure to college campuses.

Priorities: This notice contains two competitive preference priorities and one invitational priority. Competitive Preference Priority 1 is from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637) (Supplemental Priorities). Competitive Preference Priority 2 is from the notice of final priority published in the **Federal Register** on March 27, 2014 (79 FR 17035).

Competitive Preference Priorities: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 8 points to an application, depending on how well the application meets these priorities.

Competitive Preference Priority 1—Increasing Postsecondary Success (up to 5 additional points):

Background:

The Department is using Competitive Preference Priority 1 to focus on increasing readiness for success once students reach the postsecondary level. Postsecondary completion rates among students from low-income schools are unacceptably low. The Department believes that GEAR UP projects can play a strong role in improving the postsecondary outcomes of their participants by placing a greater emphasis in two areas: (1) College fit, and (2) college readiness at the postsecondary level. The Department is interested in receiving applications with strong plans designed to address one or both of these focus areas.

College Fit:

The concept of college fit combines traditional approaches to college advising, such as assistance with test preparation, research, admissions applications, and financial aid applications, with strategies to improve college selection so that students are more aware of and likely to seriously consider or choose institutions that are a good ''fit'' with their qualifications, academic and career interests, and financial, personal, and social needs. College fit builds on the body of research on ''undermatching,'' which demonstrates that students are more likely to complete college when they attend the most academically demanding institution that will admit them. Research has also found that academically prepared low-income students may not be fully aware of the colleges accessible to them and may not be evaluating a full range of college choice factors that could influence the decision about whether to apply to and enroll in the most selective colleges for which they are qualified.[1] Research indicates that high-achieving, low-income students have greater success at more appropriately matched institutions.[2] More narrowly, research on very high-achieving, low-income students has demonstrated that these students will apply to highly selective institutions if it is communicated that they could be admitted to selective institutions and if they understand that financial aid is available.[3] Understanding that GEAR UP projects serve students with widely varying levels of academic achievement, and college selection is based on numerous factors, we are interested in receiving applications for GEAR UP funds that propose strategies around improving college guidance opportunities and successful fit for a broad range of low-income students, not just the highest performers. In this regard, we believe that GEAR UP grantees can improve college fit by designing new ways to reach students with information about college options and improving counseling on college selection, such as—

- Exposing students to a wider array of college options including those that match with their academic qualifications;
- Using a variety of ways to communicate semi-customized information to students about the range of colleges for which they may be qualified, the availability and scale of financial aid, and the relationship of long term considerations (such as graduation rate and post-graduate opportunities) to college choice;[4]
- Using innovative methods to reach students, such as through text messaging, with information about college options and completing the application process, and using innovative resources and tools, including those available online, to assist students in researching college options and available financial aid;[5] and,
- Connecting students to ''near peer'' advisers to provide counseling to

[1] Jonathan Smith, Matea Pender, Jessica Howell, ''The Full Extent of Student-College Academic Undermatch,'' College Board Advocacy and Policy Center, January 2012, *www.aefpweb.org/sites/default/files/webform/Extent%20of%20Undermatch.pdf.*

[2] William G. Bowen, Matthew M. Chingos & Michael S. McPherson, Crossing the Finish Line: Completing College at America's Public Universities, Princeton University Press, 2011.

[3] Caroline Hoxby & Sarah Turner, ''Expanding College Opportunities for High-Achieving, Low Income Students,'' Stanford Institute for Economic Policy Research, March 2013.

[4] Caroline Hoxby & Sarah Turner, ''Expanding College Opportunities for High-Achieving, Low Income Students,'' Stanford Institute for Economic Policy Research, March 2013, *http://siepr.stanford.edu/?q=/system/files/shared/pubs/papers/12-014paper.pdf.*

[5] Benjamin L. Castleman and Lindsay C. Page, ''Summer Nudging: Can Personalized Text Messages and Peer Mentor Outreach Increase College Going Among Low-Income High School Graduates?,'' Center on Education Policy and Workforce Competitiveness, updated October 2013, *http://curry.virginia.edu/uploads/resourceLibrary/9_Castleman_SummerTextMessages.pdf.*

students about college choices.[6] Near peer advisers offer students unique opportunities for sharing college information, are easier for students to approach than adult advisers, and typically develop relationships that are longer lasting than those established with adults.

Ensuring College Readiness by Preventing Remediation:

GEAR UP grantees can improve college readiness by identifying at an early age students likely to be referred to remediation at the postsecondary level and by engaging in strategies to address their needs at the secondary level to make taking such courses in college unnecessary. Each year, rather than being able to enroll in entry-level general education courses in subject areas such as reading or math that are required as a part of almost any postsecondary program of study, millions of beginning college students are referred to noncredit-bearing ''developmental'' or ''remedial'' courses based on their performance on a placement test or academic reference. Remedial or developmental courses are designed to bring academically underprepared students to expected competency levels for college-level work. Remediation needs are common at all types of colleges. The share of first year undergraduate students at four-year institutions who reported taking a remedial course in 2012 is approximately 29.5 percent at public, 19.6 percent at private nonprofit, and 23.1 percent at for-profit institutions. At two-year institutions, 40.3 percent of first year undergraduate students at public and 17.3 percent at for-profit institutions reported taking a remedial course in 2012.[7] While participation rates vary widely across States and institution types, African American and Hispanic students are referred to remedial courses at higher rates. Further, low-income students are more likely to be referred to remedial courses in comparison to the overall percentage of students requiring remediation.[8]

Remedial education is one of the leading barriers to postsecondary persistence and completion.[9] While in remediation, students spend time and money, accumulate debt, suffer the opportunity cost of lost earnings, and in some cases, deplete all or a significant portion of their eligibility for financial aid. Further, available evidence suggests that participation in remedial education, especially longer sequences of remedial courses, does not improve outcomes.[10]

Because of its focus on low-income middle school and high school students, GEAR UP may be uniquely situated for early identification of students at risk of needing remediation. GEAR UP programs may also engage in coordinated and targeted interventions that provide academic and counseling services to at-risk students while still in high school to reduce the need for remediation before reaching college, through promising practices such as—

- Using results from State achievement tests from early grades to identify students likely to need remediation should they enroll in college;[11]
- Conducting early assessments for GEAR UP participants while they are in high school to identify academic weaknesses that may be predictive of future remediation needs and targeting supports such as tutoring and counseling to help ensure these students graduate from high school academically prepared for college;
- Offering a ''bridge program'' during the summer before college to help students better prepare for institutional course placement exams and the academic transition into college in the fall; or,
- In the project's 7th year (for applicants seeking a 7th year of funding), in which students would be in their first year of postsecondary study, focusing support services on students enrolled in remediation courses, such as by providing enhanced academic and career advising and targeted tutoring services.

Additionally, GEAR UP grantees can support coordination with State systems by building upon and complementing early remediation intervention strategies that are implemented by schools and local educational agencies in response to their status under State accountability systems.

Priority:

Projects that are designed to address one or more of the following priority areas: (a) Increasing the number and proportion of high-need students (as defined in this notice) who are academically prepared for and enroll in college or other postsecondary education and training, and (b) Increasing the number and proportion of high-need students who enroll in and complete high-quality programs of study (as defined in this notice) designed to lead to a postsecondary degree, credential, or certificate.

Competitive Preference Priority 2—Promise Zones (up to 3 additional points):

Background:

The Department is using Competitive Preference Priority 2 in order to combine the work of GEAR UP with other Federal anti-poverty programs in federally designated ''Promise Zones.'' Since 2009, the Obama Administration has invested more than $350 million in 100 of the Nation's persistent pockets of poverty. Building on those efforts, the President has announced an initiative to designate, over the next 4 years, 20 high-poverty communities as Promise Zones where the Federal government will partner with, and invest in, communities to create jobs, leverage private investment, increase economic activity, improve educational opportunities, and improve public safety. Co-led by the U.S. Departments of Housing and Urban Development, Education, Agriculture, and Justice, Promise Zones are part of the President's Ladders of Opportunity plan to ensure that hard-working Americans make it to the middle class.

Promise Zones will align the work of multiple Federal programs in high-poverty urban, rural, and tribal communities that have both substantial needs and a strong, evidence-based plan to address them. The five primary goals of Promise Zones are creating jobs, increasing economic activity, improving educational opportunities, reducing violent crime, and leveraging private investment. The initiative builds on lessons learned from existing place-based programs, such as the Department's Promise Neighborhoods program.

[6] See MDRC, ''Make Me a Match,'' April 2012, (*http://www.mdrc.org/sites/default/files/policybrief_24.pdf*).

[7] ''National Postsecondary Student Aid Study 2011–12,'' National Center for Education Statistics, 2012. (*http://nces.ed.gov/datalab/tableslibrary/viewtable.aspx?tableid=9420*).

[8] Complete College America. 2012. Remediation: Higher Education's Bridge to Nowhere (*www.completecollege.org/docs/CCA-Remediation-final.pdf*).

[9] MDRC, Unlocking the Gate: What We Know About Improving Developmental Education, June 2011 (*http://www.mdrc.org/sites/default/files/full_595.pdf*).

[10] Attewell, P. A., Lavin, D. E., Domina, T., & Levey, T. 2006. *New Evidence on College Remediation.* The Journal of Higher Education. (*www.jstor.org/stable/3838791* (even after controlling for high school preparation and family background, taking developmental courses reduced the chances of graduation at four-year colleges and universities by 6 to 7 percent). Thomas Bailey, Dong Wook Jeong, Sung-Woo Cho. *Referral, Enrollment, and Completion in Developmental Education Sequences in Community Colleges.* Community College Research Center, Working Paper No. 15. November 2009 (*http://ccrc.tc.columbia.edu/media/k2/attachments/referral-enrollment-completion-developmental.pdf*).

[11] It is important to note that in some cases, depending on the identity of the grantee and structure of any partnership, access to student records such as test scores may be limited by the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR Part 99).

Priority:

Projects that are designed to serve and coordinate with a federally designated Promise Zone.

Note: Applicants should submit a letter from the lead entity of a designated Promise Zone attesting to the contribution that the proposed activities would make, and supporting the application. A list of designated Promise Zones and lead organizations can be found at *www.hud.gov/promisezones.*

Invitational Priority—Development of Non-Cognitive Skills: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

Background:

An emerging body of research suggests that non-cognitive skills and behaviors play an important role in students' academic, career, and life outcomes.[12] The development of these skills is especially critical during the middle school years as students face new academic challenges, social comparisons, and stereotypes regarding their potential for success. How students negotiate these changes has major implications for their academic futures.

For example, interventions focused on academic mindset (e.g., a sense of belonging in the academic community, believing academic achievement improves with effort, and that challenges are inevitable for success) have been shown to have a measurable impact on grades and course persistence, high school graduation, and college enrollment among low-income and minority students. Strategies focused on strengthening perseverance (e.g., tenacity, self-discipline) and social and emotional skills (e.g., cooperation, empathy, adaptability, and executive functions) have also demonstrated positive outcomes.

For example, middle school students who participated in a series of ''Possible Selves'' workshops in which they imagined themselves as adults and the positive and negative factors that could help or hinder their goals had higher test scores and GPAs two years after the program than those who did not receive the intervention.[13] Likewise, students from an inner city school in New York who participated in an eight-week mentorship program that taught them how intelligence is malleable and that the brain can grow like a muscle exhibited increased motivation and improved math grades compared to the control group.[14]

With this invitational priority, the Department intends to encourage applicants to incorporate strategies and interventions to strengthen traditionally underserved students' non-cognitive skills, so that they are able to pursue a successful path to high school graduation and college success.

Priority:

Development of Non-Cognitive Skills:

Projects that include strategies to improve students' non-cognitive skills and behaviors, including academic mindset, perseverance, motivation, and mastery of social and emotional skills that improve student success.

Definitions: These definitions are from the Supplemental Priorities and they apply to Competitive Preference Priority 1 in this notice.

High-need children and high-need students means children and students at risk of educational failure, such as children and students who are living in poverty, who are English learners, who are far below grade level or who are not on track to becoming college-or career-ready by graduation, who have left school or college before receiving, respectively, a regular high school diploma or a college degree or certificate, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who are pregnant or parenting teenagers, who have been incarcerated, who are new immigrants, who are migrant, or who have disabilities.

Programs of study means career and technical education programs of study, which may be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas, that—(a) Incorporate secondary education and postsecondary education elements; (b) Include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education; (c) May include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits, and (d) Lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree.

Program Authority: 20 U.S.C. 1070a–21–1070a–28.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 694. (d) The notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486) and corrected on May 12, 2011 (76 FR 27637). (e) The notice of final priority published in the **Federal Register** on March 27, 2014 (79 FR 17035).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $37,762,760.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $100,000-$7,000,000.

Estimated Average Size of Awards: $1,200,000.

Maximum Award: We will not fund any application for a partnership grant above the maximum award of $800 per student for a single budget period of 12 months. Additionally, no funding will be awarded for increases in budget after the first 12-month budget period. The Assistant Secretary for Postsecondary Education may change the maximum amounts through a notice published in the **Federal Register**.

Estimated Number of Awards: 31.

[12] The University of Chicago Consortium of Chicago School Research (June 2012). Teaching Adolescents to Become Learners: The Role of Noncognitive Factors in Shaping School Performance. See *http://raikesfoundation.org/Documents/Teaching%20Adolescents%20to%20Become%20Learners%20(CCSR%20Literature%20Review%20June%202012).pdf.*

[13] Oyserman, D., Bybee, D., & Terry, K. (2006). *Possible selves and academic outcomes: How and when possible selves impel action.* Journal of Personality and Social Psychology, 91, 188–204.

[14] Blackwell, L.S., Trzesniewski, K.H. and Dweck, C.S. (2007), *Implicit Theories of Intelligence Predict Achievement Across an Adolescent Transition: A Longitudinal Study and an Intervention.* Child Development, 78: 246–263.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 84 months.

III. Eligibility Information

1. *Eligible Applicants:* Partnerships consisting of (A) one or more local educational agencies (LEA), and (B) one or more degree granting institutions of higher education (IHE). Partnerships may also contain not less than two other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under the Leveraging Educational Assistance Partnership (LEAP) Program authorized in part A, subpart 4, of title IV of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070c et seq.), or other public or private agencies or organizations.

Note: The fiscal agent/applicant must be either an IHE or an LEA (see 34 CFR 694.10).

2. a. *Cost Sharing or Matching:* Section 404C(b)(1) of the HEA requires partnership grantees under this program to provide from State, local, institutional, or private funds not less than 50 percent of the cost of the program (or $1 of non-Federal funds for $1 of Federal funds awarded), which may be provided in cash or in-kind. In-kind contributions may include equipment and supplies, cash contributions from non-Federal sources, discounted program services and facility usage. The provision also provides that the match may be accrued over the full duration of the grant award period, except that the grantee must make substantial progress towards meeting the matching requirement in each year of the grant award period.

Section 404C(b)(2) further provides that the Secretary may approve a partnership's request for a reduced match percentage at the time of application if the partnership demonstrates significant economic hardship that precludes the partnership from meeting the matching requirement, or if the partnership requests that contributions to the scholarship fund be matched on a two to one basis. In addition, a partnership that includes three or fewer institutions of higher education as members and meets the high-need criteria in 34 CFR 694.8(d)(2) may provide a reduced level of match as specified in that regulation.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 404B(e) of the HEA, grant funds awarded under this program must be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this program (20 U.S.C. 1070a–22).

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet by downloading the package from the program Web site at: *http://www2.ed.gov/programs/gearup/index.html.*

You also can request a copy of the application package from the following: Nofertary Fofana, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. Telephone: (202) 502–7533 or by email: *nofertary.fofana@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to assess your application. There is a limit for the application narrative of no more than 40 pages using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

Note: For purposes of determining compliance with the 40 page limit, each page on which there are words will be counted as one full page.

- Double space (no more than three lines per vertical inch) all text in the application narrative, except titles, headings, footnotes, endnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application may be singe spaced.
- Use a font that is either 12-point or larger; or, no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, graphs, footnotes, and endnotes.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limits do not apply to the cover sheet; the budget section, including the budget narrative and summary form; the assurances and certifications; or the one-page abstract. If you include any attachments or appendices not specifically requested and required for the application, these items will be counted as part of the narrative for the purposes of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 4, 2014.

Deadline for Transmittal of Applications: July 7, 2014.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 2, 2014.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. Data Universal Numbering System Number, Taxpayer Identification Number, and *System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the

Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one-to-two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the GEAR UP Partnership Grant Competition, CFDA number 84.334A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the GEAR UP Partnership Grant competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.334, not 84.334A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; *and,*

• No later than two weeks before the application deadline date (14 calendar days; or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Nofertary Fofana, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. FAX: (202) 219–7074.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following *address:*

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.334A),
LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.334A),
550 12th Street SW., Room 7039,
Potomac Center Plaza, Washington,
DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 of EDGAR and are listed in the application package. As described in more detail in the application package, among other criteria, the Department will be assessing applications on the extent to which their proposed projects are supported by strong theory (34 CFR 75.210(c)(2)(xxix)) and the extent to which their proposed evaluation designs are likely to document evidence of promise (34 CFR 75.210(h)(2)(x)).

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to

submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The objectives of the GEAR UP Program are: (1) To increase the academic performance and preparation for postsecondary education of participating students; (2) to increase the rate of high school graduation and participation in postsecondary education of participating students; and (3) to increase educational expectations for participating students and increase student and family knowledge of postsecondary education options, preparation, and financing.

The effectiveness of this program depends on the rate at which program participants complete high school and enroll in and complete a postsecondary education. Under the Government Performance and Results Act of 1993 (GPRA), we developed the following performance measures to track progress toward achieving the program's goals:

1. The percentage of GEAR UP students who pass Pre-algebra by the end of 8th grade.
2. The percentage of GEAR UP students who pass Algebra 1 by the end of 9th grade.
3. The percentage of GEAR UP students who take two years of mathematics beyond Algebra 1 by the 12th grade.
4. The percentage of GEAR UP students who graduate from high school.

Note: For each GEAR UP project, the high school graduation rate is defined in the State's approved accountability plan under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

5. The percentage of GEAR UP students and former GEAR UP students who are enrolled in college.
6. The percentage of GEAR UP students who place into college-level Math and English without need for remediation.
7. The percentage of current GEAR UP students and former GEAR UP students enrolled in college who are on track to graduate college.
8. The percentage of GEAR UP students who complete the Free Application for Federal Student Aid.
9. The percentage of GEAR UP students who are on track for graduation at the end of each grade.
10. The percentage of GEAR UP students who are on track to apply for college as measured by completion of the SAT or ACT by the end of 11th grade.
11. The percentage of parents of GEAR UP students who actively engage in activities associated with assisting students in their academic preparation for college.

In addition, to assess the efficiency of the program, we track the average cost in Federal funds, of achieving a successful outcome, where success is defined as enrollment in postsecondary education of GEAR UP students immediately after high school graduation. These performance measures constitute GEAR UP's indicators of the success of the program. Grant recipients must collect and report data on steps they have taken toward achieving these goals. Accordingly, we request that applicants include these performance measures in conceptualizing the design, implementation, and evaluation of their proposed projects.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Nofertary Fofana, Gaining Early Awareness and Readiness for Undergraduate Programs, U.S. Department of Education, 1990 K Street NW., Room 7095, Washington, DC 20006–8524. Telephone: (202) 502–7533 or by email: *nofertary.fofana@ed.gov.*

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

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person

listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

Dated: May 30, 2014.

Lynn B. Mahaffie,

Senior Director, Policy Coordination, Development, and Accreditation Service, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2014–12980 Filed 6–3–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection will ''support the administration and enforcement of the Department of Energy's regulation at 10 CFR part 217, issued pursuant to section 705 of the Defense Production Act of 1950 as amended (50 U.S.C. App.2061, *et seq.*) (EPAS regulation). The collection assures the availability of records for at least 3 years of transactions that are directly related to the placement of contracts or purchase orders under the EPAS regulation by contractors with suppliers to acquire items (materials, products, and services) needed to fill defense orders. Such records would include administrative, accounting, purchasing, scheduling, production, and shipping records, the receipt and acceptance or rejection of contractors' orders by suppliers, and any other relevant and material record to evidence the timely production and delivery of items.

DATES: Comments regarding this collection must be received on or before July 7, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503 and to Dr. Kenneth Friedman, U.S. Department of Energy, OE–30, 1000 Independence Avenue SW., Washington DC 20585 or by fax at 202–586–2623, or by email at *Kenneth.friedman@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Written comments may be sent to Dr. Kenneth Friedman, U.S. Department of Energy, OE–30, 1000 Independence Avenue SW., Washington DC 20585 or by fax at 202–586–2623, or by email at *Kenneth.friedman@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1910–5159; (2) *Information Collection Request Title:* Energy Priorities and Allocations System (3) *Type of Request:* Extension; (4) *Purpose:* To meet requirements of the Defense Production Act (DPA) priorities and allocations authority with respect to all forms of energy necessary or appropriate to promote the national defense. Data supplied will be used to evaluate applicants requesting special priorities assistance to fill a rate order issued pursuant to the DPA and DOE's implementing regulations. This data will also be used to conduct audits and for enforcement purposes. This collection will only be used if the Secretary of Energy determines that his authority under the DPA is necessary to maximize domestic energy supplies or to address an energy shortage. The last collection by DOE under this authority was in 2001; (5) Annual *Estimated Number of Respondents:* 10 or more as this collection is addressed to a substantial majority of the energy industry; (6) *Annual Estimated Number of Total Responses:* 10 or more as this collection is addressed to a substantial majority of the energy industry; (7) *Annual Estimated Number of Burden Hours:* 32 minutes per response; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $120.25.

Statutory Authority: Defense Production Act of 1950 as amended (50 U.S.C. App.2061, *et seq.*); Executive Order 13603.

Issued in Washington, DC, on May 29, 2014.

William Bryan,

Deputy Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–12913 Filed 6–3–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Assessment for the Acceptance and Disposition of Used Nuclear Fuel Containing U.S.-Origin Highly Enriched Uranium From the Federal Republic of Germany

AGENCY: Department of Energy.

ACTION: Notice of intent; public meeting.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an environmental assessment (EA), (DOE/EA–1977) pursuant to the National Environmental Policy Act (NEPA) to analyze the potential environmental impacts from a proposed project to accept used nuclear fuel from the Federal Republic of Germany at DOE's Savannah River Site (SRS) for processing and disposition. This used nuclear fuel is composed of kernels containing thorium and U.S.-origin highly enriched uranium (HEU) embedded in small graphite spheres that were irradiated in nuclear reactors used for research and development purposes. DOE invites public comments on the scope of the EA and will conduct a public meeting.

DATES: DOE invites Federal agencies, state and local governments, Native American tribes, industry, other organizations, and members of the general public to submit comments on DOE's proposed scope of the EA. The public scoping period extends from the date of publication of this notice in the **Federal Register** through July 21, 2014. DOE will consider all comments received or postmarked by that date. Comments submitted after that date will be considered to the extent practicable.

DOE will hold a public meeting to discuss the proposed German HEU fuel project and receive comments on the scope of the EA. The meeting will be held on:

- Tuesday, June 24, 2014, (6:30 p.m. to 9:00 p.m.) at the North Augusta Community Center, 495 Brookside Drive, North Augusta, South Carolina 29841.

ADDRESSES: Please direct written comments on the scope of the German HEU Fuel EA to Mr. Andrew Grainger, NEPA Compliance Officer, U.S. Department of Energy, P.O. Box B, Aiken, South Carolina 29802. Comments on the scope of the German HEU Fuel EA may also be submitted by email to *drew.grainger@srs.gov.* DOE will give equal weight to written comments and oral comments received at the public scoping meeting. Requests to be placed on the German HEU Fuel EA mailing list should be directed to Mr. Grainger at the postal or email addresses above.

FOR FURTHER INFORMATION CONTACT: To request further information on SRS used nuclear fuel disposition activities or background information on the proposed project, please contact Mr. Grainger as listed above.

For general information concerning DOE's NEPA process, contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–4600, or leave a message toll-free, at (800) 472–2756; fax (202) 586–7031; or send an email to *askNEPA@hq.doe.gov.* This Notice of Intent (NOI) and other information related to DOE's NEPA program are available on the DOE NEPA Web site at *http://nepa.energy.gov.*

SUPPLEMENTARY INFORMATION:

Background

DOE intends to prepare an EA in accordance with Council on Environmental Quality and DOE NEPA implementing regulations at 40 CFR Parts 1500–1508 and 10 CFR Part 1021, respectively. The EA will to analyze the potential environmental impacts of a proposal to accept, process, and disposition used nuclear fuel from Germany containing approximately 900 kilograms (kg) of HEU from the United States. The used nuclear fuel is composed of kernels containing thorium and U.S.-origin HEU embedded in thousands of small graphite spheres. The United States provided the HEU to Germany between 1965 and 1988. The fuel was irradiated at the Arbeitsgemeinschaft Versuchsreaktor (AVR) reactor, which operated from 1967 to 1988, and the Thorium High Temperature Reactor (THTR)-300, which operated from 1983 to 1989. These reactors operated as part of Germany's program to research and develop pebble bed reactor technology. AVR reactor fuel is stored at Jülich, Germany, and the THTR–300 reactor fuel is stored at Ahaus, Germany.

In a February 2012 letter, the State Secretary of the Federal Ministry of Education and Research of the Federal Republic of Germany requested DOE's Under Secretary for Nuclear Security to DOE consider accepting the fuel. The Office of Environmental Management responded on behalf of the Under Secretary that DOE would consider the request. Collaboration on the request was initiated in May 2012.

German officials and the Office of Environmental Management subsequently began work on a feasibility study regarding the potential for acceptance, processing, and disposition of the fuel, and related research and development, using facilities at SRS, located near Aiken, South Carolina. Those efforts are ongoing. In April 2014, DOE, the Federal Ministry of Education and Research of the Federal Republic of Germany, and the Ministry for Innovation, Science and Research of the State of North Rhine-Westphalia on behalf of the North Rhine-Westphalian State Government, Germany, signed a Statement of Intent [1] to cooperate in conducting the preparatory work necessary to support DOE's consideration of the request that it accept the used fuel from Germany and to use SRS facilities for processing and disposition of the fuel. The preparatory work includes the EA announced today and additional technical and engineering work needed to address uncertainties regarding potential disposition pathways for uranium and waste streams generated during processing. The environmental analysis and the engineering work will allow DOE to reach an informed decision on the proposed acceptance and disposition of the fuel. Germany will bear the costs of the preparatory phase work and, if DOE decides to proceed with the proposed project, Germany will also bear the costs associated with the acceptance, processing, and disposition of the fuel.

Purpose and Need for Action

DOE's purpose and need for this action is to support the U.S. policy objective to reduce, and eventually to eliminate, HEU from civil commerce. This action would help achieve the U.S. HEU minimization objective by removing up to approximately 900 kg of U.S.-origin HEU from Germany and returning it to the United States for safe storage and disposition in a form no longer usable for an improvised nuclear device, a radiological dispersal device, or other radiological exposure device.

Proposed Action and Alternatives

Under the proposed action, the German government would work with DOE to transport the used fuel by ocean-going vessel to the United States in DOE/U.S. Department of Transportation-certified Type B casks. The used fuel would be received at Joint Base Charleston in Charleston, South Carolina, and then the casks would be transported by rail to SRS. DOE estimates that this could involve approximately 455 casks received over a period of approximately 3 years.

DOE will analyze alternatives for unloading and storage of the transport casks at SRS. DOE will analyze any necessary improvements to the rail spur and roads at SRS needed to safely unload the casks and transport them on-site. Storage alternatives for the transport casks containing the used fuel may include construction of a new covered concrete storage pad and use of existing concrete pads (that may require modification).

DOE would install a capability in H-Canyon at SRS to chemically remove the graphite from the fuel kernels via a molten salt technique (''chemical digestion'') being developed by the Savannah River National Laboratory. DOE currently estimates that it would take approximately 3 years to complete removal of the graphite from all the used fuel. The fuel kernels would be stored in H-Canyon. After all the fuel kernels have been extracted, they would be processed through the H-Canyon. This would separate the uranium from thorium and fission products.

DOE has identified three alternatives for disposition of the HEU that would be separated from the fuel kernels.

- Dissolution, purification, and down blending the HEU to low-enriched uranium (LEU) for reuse as reactor fuel (if the LEU can meet applicable specifications);
- Separating the uranium, down blending, and disposing of the uranium in an appropriate radioactive waste disposal facility; and
- Disposal of the uranium as waste without down blending via vitrification in the Defense Waste Processing Facility at SRS.

The EA also will evaluate alternatives for disposition of the empty transport casks and containers used to package the used fuel. Currently identified alternatives include on-site disposal in the E-Area at SRS and, potentially, pursuing reuse of the transport casks. In addition, the EA will analyze a no action alternative under which DOE

[1] To request a copy of this Statement of Intent, contact Mr. Grainger as indicated in the **ADDRESSES** section above.

would not accept or process the used fuel.

Potential Areas of Environmental Analysis

DOE has tentatively identified the following areas for analysis in the German HEU Fuel EA. The list is presented to facilitate comment on the scope of the EA and is not intended to be comprehensive or to predetermine the potential impacts to be analyzed.

- Impacts to the general population and workers from radiological and nonradiological releases, and other worker health and safety impacts.
- Impacts of emissions on air and water quality, including impacts of greenhouse gas emissions on climate change.
- Impacts on ecological systems and threatened and endangered species.
- Impacts of waste management activities.
- Impacts of the transportation of radioactive materials, including transport across the ocean.
- Impacts that could occur as a result of postulated accidents and intentional destructive acts (terrorist actions and sabotage).
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice).
- Short-term and long-term land use impacts, including potential impacts of disposal.
- Cumulative impacts.

NEPA Process

Following the public scoping period and after consideration of all comments received during scoping, DOE will prepare a Draft German HEU Fuel EA. DOE will announce its availability to the public for comment, provide a public comment period, and conduct a public hearing to receive comments on the Draft EA. All comments submitted on the Draft EA during the public comment period will be considered and addressed in the Final German HEU Fuel EA. DOE will address comments submitted after the close of the public comment period on the Draft EA to the extent practicable. Based on the EA analysis, DOE will either issue a Finding of No Significant Impact or announce its intent to prepare an environmental impact statement (EIS).

If DOE determines that an EIS is needed, either during preparation of the EA or after completing the EA, DOE would issue in the **Federal Register** an NOI to prepare an EIS. In that case, the current scoping process would serve as the scoping process that normally would follow an NOI to prepare an EIS. DOE would not solicit additional scoping comments but would consider any comments on the scope of the EA received during this scoping process in preparing the EIS.

Issued in Washington, DC, on May 29, 2014.

David Huizenga,

Acting Assistant Secretary for Environmental Management.

[FR Doc. 2014–12933 Filed 6–3–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[DOE/EIS–0487; DOE/EIS–0488; DOE/EIS–0489; et. al.]

Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Availability of Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States.

Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLCD	[DOE/EIS–0487].
Cameron LNG, LLC	DOE/EIS–0488].
Jordan Cove Energy Project, L.P	DOE/EIS–0489].
Lake Charles Exports, LLC and Trunkline LNG Export, LLC	DOE/EIS–0491].
LNG Development Company, LLC (d/b/a Oregon LNG)	DOE/EIS–0492].
Cheniere Marketing, LLC	DOE/EIS–0493].
Excelerate Liquefaction Solutions I, LLC	DOE/EIS–0494].
CE FLNG, LLC	DOE/EIS–0497].
Magnolia LNG, LLC	DOE/EIS–0498].
Dominion Cove Point LNG, LP	DOE/EA–1942].
Southern LNG Company, L.L.C	DOE/EA–1963].
Golden Pass Products LLC	DOE/EA–1971].
Sabine Pass Liquefaction, LLC	DOE/EA–1983].

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) announces the availability of the *Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas From The United States* (Addendum) for public review and comment. The purpose of this Addendum is to provide additional information to the public regarding the potential environmental impacts of unconventional natural gas exploration and production activities. DOE has received many comments in related proceedings expressing concerns about the potential impacts from increased development of unconventional natural gas resources in the United States, particularly production that involves hydraulic fracturing. While not required by the National Environmental Policy Act (NEPA), DOE has prepared this Addendum in an effort to be responsive to the public and provide the best information available. DOE is making this draft Addendum available for public review and comment, and will consider comments prior to finalizing this Addendum.

DATES: Comments are to be filed using procedures detailed in the Public Comment section no later than 4:30 p.m., Eastern Time, July 21, 2014.

ADDRESSES:

Electronic Filing Using Online Form: http://energy.gov/fe/Draft-Upstream-Addendum.

Regular Mail: U.S. Department of Energy (FE–34), Attn: Addendum Comments, Office of Oil & Gas Global Security & Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Attn: Addendum Comments, Office of Oil & Gas Global Security & Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585

FOR FURTHER INFORMATION CONTACT:

John Anderson, U.S. Department of Energy (FE–34), Office of Natural Gas Regulatory Activities, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–0521.

Edward LeDuc, U.S. Department of Energy (GC–51), Office of the

Assistant General Counsel for Environment, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4007

SUPPLEMENTARY INFORMATION: Section 3(a) of the Natural Gas Act, 15 U.S.C. 717b(a), directs the U.S. Department of Energy (DOE) to authorize proposed exports of natural gas to countries with which the United States does not have a Free Trade Agreement (FTA) requiring national treatment for trade in natural gas (non-FTA countries), unless DOE finds that the proposed exportation will not be consistent with the public interest.

DOE presently has before it numerous applications to export liquefied natural gas (LNG) to non-FTA countries. The project proponents in these applications also have applied to the Federal Energy Regulatory Commission (FERC) for approvals related to onshore LNG facilities. FERC is the lead federal agency for the preparation of environmental assessments (EAs) and environmental impact statements (EISs) required under the National Environmental Policy Act (NEPA) for the applications that are pending before both federal agencies. DOE is participating as a cooperating agency in these NEPA reviews.

Several parties and commenters to these proceedings have urged DOE to review the potential environmental impacts of natural gas production activities, particularly the hydraulic fracturing of shale formations. These parties and commenters reason that authorizing exports of LNG to non-FTA countries would induce additional natural gas production in the United States, and that the environmental impacts of the additional natural gas production should be considered as a factor affecting the public interest.

Fundamental uncertainties constrain the ability to predict what, if any, domestic natural gas production would be induced by granting any specific authorization or authorizations to export LNG to non-FTA countries. Receiving a non-FTA authorization from DOE does not guarantee that a particular facility would be financed and built; nor does it guarantee that, even if built, market conditions would continue to favor export once the facility is operational. Numerous LNG import facilities were previously authorized by DOE, received financing, and were built, only to see declining use over the past decade.

The current rapid development of unconventional natural gas resources will likely continue, with or without the export of natural gas. Potential impacts associated with the development of unconventional natural gas resources will exist whenever it is produced, much the same as the conventional natural gas industry has for decades. Exporting natural gas may accelerate the timing of the development unconventional resources and the associated potential impacts. However, it is not reasonable to assume that unconventional natural gas production and the associated potential impacts will not occur if natural gas exports to non-FTA countries are prohibited.

Accordingly, to provide the public with a more complete understanding of potential impacts, DOE has prepared this draft Addendum to discuss the potential environmental impacts associated with unconventional natural gas production in the lower-48 states. By including this discussion of natural gas production activities, DOE is going beyond what NEPA requires. While DOE has made broad projections about the types of resources from which additional production may come, DOE cannot meaningfully estimate where, when, or by what method any additional natural gas would be produced. Therefore, DOE cannot meaningfully analyze the specific environmental impacts of such production, which are nearly all local or regional in nature. As DOE explained in *Sabine Pass Liquefaction, LLC,* DOE/FE Order No. 2961–A (Aug. 7, 2012), lacking an understanding of where and when additional gas production will arise, the environmental impacts resulting from production activity induced by LNG exports to non-FTA countries are not ''reasonably foreseeable'' within the meaning of the Council on Environmental Quality's (CEQ) NEPA regulations (40 CFR 1508.7).

The Addendum is intended to provide information only on the impact areas most often associated with unconventional natural gas production. The Addendum is not the result of new analysis or research, but rather is based on DOE's review of existing studies and analyses. A key resource in preparing the Addendum was the report *Environmental Impacts of Unconventional Natural Gas Development and Production* (May 29, 2014), prepared by the National Energy Technology Laboratory, a DOE Laboratory.

Public Comment

In response to this Notice, any person may file comments. DOE prefers comments to be filed using the online form (method 1). However, for those lacking access to the Internet, comments may be filed using method 2 or 3. The three methods are: (1) submission of comments using the online form at *http://energy.gov/fe/Draft-Upstream-Addendum;* (2) mailing comments to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) delivering comments (by hand or courier) to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**. All filings must include a reference to *Draft Upstream Addendum.* PLEASE NOTE: DOE/FE is not accepting any comments by email. Any hardcopy filing submitted that is greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission in PDF format. Please do not include any active hyperlinks or password protection in any of the electronic documents related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. All comments filed in response to this Notice will be publicly available on the DOE/FE Web site (*http://energy.gov/fe/Draft-Upstream-Addendum*).

DOE will consider all comments received until the close of the comment period. Comments must be limited to the issues and potential impacts addressed in the Addendum, and DOE may disregard comments that are not germane.

Commenters should be advised that filings with DOE shall be subject to public disclosure, so submissions should be free of any personally identifiable information (PII) or other information that the individual does not wish to be revealed in a public forum.

The Addendum and other relevant documents are available for download at *http://energy.gov/fe/Draft-Upstream-Addendum* and for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 29, 2014.

Christopher A. Smith,

Principal Deputy Assistant Secretary, Office of Fossil Energy.

[FR Doc. 2014–12931 Filed 6–3–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 10–161–LNG; FE Docket No. 11–59–LNG; FE Docket No. 11–128–LNG; et. al.]

Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of Availability of Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States and request for comments.

Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC	[FE Docket No. 10–161–LNG].
Lake Charles Exports, LLC	[FE Docket No. 11–59–LNG].
Dominion Cove Point LNG, LP	[FE Docket No. 11–128–LNG].
Freeport LNG Expansion, L.P. and FLNG Liquefaction, LLC	[FE Docket No. 11–161–LNG].
Cameron LNG, LLC	[FE Docket No. 11–162–LNG].
Gulf Coast LNG Export, LLC	[FE Docket No. 12–05–LNG].
Jordan Cove Energy Project, L.P	[FE Docket No. 12–32–LNG].
LNG Development Company, LLC (d/b/a Oregon LNG)	[FE Docket No. 12–77–LNG].
Cheniere Marketing, LLC	[FE Docket No. 12–97–LNG].
Southern LNG Company, L.L.C.	[FE Docket No. 12–100–LNG].
Gulf LNG Liquefaction Company, LLC	[FE Docket No. 12–101–LNG].
CE FLNG, LLC	[FE Docket No. 12–123–LNG].
Excelerate Liquefaction Solutions I, LLC	[FE Docket No. 12–146–LNG].
Golden Pass Products LLC	[FE Docket No. 12–156–LNG].
Pangea LNG (North America) Holdings, LLC	[FE Docket No. 12–184–LNG].
Trunkline LNG Export, LLC	[FE Docket No. 13–04–LNG].
Freeport-McMoRan Energy LLC	[FE Docket No. 13–26–LNG].
Sabine Pass Liquefaction, LLC	[FE Docket No. 13–30–LNG].
Sabine Pass Liquefaction, LLC	[FE Docket No. 13–42–LNG].
Venture Global LNG, LLC	[FE Docket No. 13–69–LNG].
Eos LNG LLC	[FE Docket No. 13–116–LNG].
Barca LNG LLC	[FE Docket No. 13–118–LNG].
Sabine Pass Liquefaction, LLC	[FE Docket No. 13–121–LNG].
Magnolia LNG, LLC	[FE Docket No. 13–132–LNG].
Delfin LNG LLC	[FE Docket No. 13–147–LNG].

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of the availability of the Report *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States* (Life Cycle Analysis Greenhouse Gas Report, or LCA GHG Report) in the above-referenced proceedings and invites the submission of comments regarding the LCA GHG Report. The purpose of this LCA GHG Report is to provide additional information to the public and to DOE to inform its decisions regarding the life cycle greenhouse gas (GHG) emissions of U.S. LNG exports for use in electric power generation. The LCA GHG Report (*http://energy.gov/fe/LCA-GHG-Report*) compares life cycle GHG emissions from U.S. LNG exports to regional coal and other imported natural gas for electric power generation in Europe and Asia. Comments submitted in compliance with the instructions in this notice will be placed in the administrative record for all of the above-listed proceedings and need only be submitted once.

DATES: Initial comments are to be filed using procedures detailed in the Public Comment section no later than 4:30 p.m., Eastern Time, July 21, 2014. All comments received need only be submitted once as they will be placed in the administrative record for each of the 25 currently pending export application dockets.

ADDRESSES:

Electronic Filing Using Online Form: http://energy.gov/fe/LCA-GHG-Report.

Regular Mail: U.S. Department of Energy (FE–34) Attn: LCA GHG Report Comments, Office of Oil & Gas Global Security & Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Attn: LCA GHG Report Comments, Office of Oil & Gas Global Security & Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

John Anderson, U.S. Department of Energy (FE–34), Office of Natural Gas Regulatory Activities, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–0521.

Edward LeDuc, U.S. Department of Energy (GC–51), Office of the Assistant General Counsel for Environment, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4007.

SUPPLEMENTARY INFORMATION:

Background

Section 3(a) of the Natural Gas Act, 15 U.S.C. 717b(a), directs the U.S. Department of Energy (DOE) to authorize proposed exports of natural gas to countries with which the United States does not have a Free Trade Agreement (FTA) requiring national treatment for trade in natural gas (non-FTA countries), unless DOE finds that the proposed exportation will not be consistent with the public interest.

DOE presently has before it numerous applications to export liquefied natural gas (LNG) to non-FTA countries. The 25 proceedings identified above involve applications submitted by the named parties seeking authorization to export LNG by LNG tanker from large-scale liquefaction facilities in the lower-48 states to non-FTA nations. The purpose of this Notice is to post the LCA GHG Report in the 25 proceedings, and to

invite comments on the LCA GHG Report, as applied to the pending matters.

The LCA GHG Report

The LCA GHG Report was conducted by the National Energy Technology Laboratory (NETL), a DOE laboratory. The LCA GHG Report estimates the life cycle GHG emissions of U.S. LNG exports to Europe and Asia, compared with alternative supplies, to produce electric power. For additional information on the natural gas model, refer to the NETL report, *''Life Cycle Analysis of Natural Gas Extraction and Power Generation,''* which is available at *http://energy.gov/fe/LCA-GHG-Report.*

The primary questions addressed by the LCA GHG Report are:

- How does exported liquefied natural gas (LNG) from the U.S. compare with regional coal (or other LNG sources) for electric power generation in Europe and Asia, from a life cycle greenhouse gas (GHG) perspective?
- How do those results compare with natural gas sourced from Russia and delivered to the same European and Asian markets via pipeline?

To address these questions, NETL applied its life cycle analysis (LCA) model to represent unconventional natural gas production and transportation to a U.S. Gulf Coast liquefaction facility, liquefaction of the gas at the facility, and transportation of the LNG to an import terminal in Rotterdam, Netherlands, to represent a European market, and to an import terminal in Shanghai, China, to represent Asian Markets. LNG produced in Algeria was modeled to represent an alternative regional LNG European market supply source with a destination of Rotterdam and LNG from Darwin, Australia was modeled to represent an alternative regional LNG Asian market supply source with a destination of Osaka, Japan. Conventional natural gas extracted from the Yamal region of Siberia in Russia was modeled as the regional pipeline gas alternative for both the European and Asian markets. Regional coal production and consumption in Germany and China were also modeled. Scenario specific variability was modeled by adjusting methane leakage for natural gas production, coal type (bituminous and sub-bituminous), transport distance (ocean tanker for LNG and rail for coal), and power plant efficiency.

DOE is not establishing a new proceeding or docket by today's issuance and the submission of comments in response to this Notice will not make commenters parties to any of the pending 25 cases. Persons with an interest in the outcome of one or more of the 25 pending matters have been given an opportunity to intervene in or protest those pending matters by complying with the procedures established in the respective notices of application issued in the pending 25 matters and published in the **Federal Register**. The record in the 25 pending proceedings will include all comments received in response to this Notice. Comments will be reviewed on a consolidated basis for purposes of hearing, and decisions will be issued on a case-by-case basis.

Public Comment

In response to this Notice, any person may file comments. DOE prefers comments to be filed using the online form (method 1). However, for those lacking access to the Internet, comments may be filed using method 2 or 3. The three methods are: (1) Submission of comments using the online form at *http://energy.gov/fe/LCA-GHG-Report;* (2) mailing comments to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; and (3) delivering comments (by hand or courier) to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**. All filings must include a reference to *LCA GHG Report Comments.* PLEASE NOTE: DOE/FE is not accepting any comments by email. Any hardcopy filing submitted that is greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission in PDF format. Please do not include any active hyperlinks or password protection in any of the electronic documents related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

DOE will consider all comments received until the close of the comment period. Comments must be limited to the issues and potential impacts addressed in the LCA GHG Report, and DOE may disregard comments that are not germane.

Commenters should be advised that filings with DOE shall be subject to public disclosure, so submissions should be free of any personally identifiable information (PII) or other information that the individual does not wish to be revealed in a public forum.

Instructions for submitting comments are available at *http://energy.gov/fe/LCA-GHG-Report.* All comments filed in response to this Notice will be publicly available on the DOE/FE Web site (*http://energy.gov/fe/LCA-GHG-Report*).

The LCA GHG Report and other relevant documents are available for download at *http://energy.gov/fe/LCA-GHG-Report* and for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 29, 2014.

Christopher A. Smith,

Principal Deputy Assistant Secretary, Office of Fossil Energy.

[FR Doc. 2014–12927 Filed 6–3–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed Procedures for Liquefied Natural Gas Export Decisions

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of proposed procedures.

SUMMARY: The U.S. Department of Energy (DOE or the Department) proposes to act on applications to export liquefied natural gas (LNG) only after the review required by the National Environmental Policy Act (NEPA) has been completed, suspending its practice of issuing conditional decisions prior to final authorization decisions.

DATES: Comments are to be filed using procedures detailed in the Submission of Comments section no later than 4:30 p.m., Eastern Time, July 21, 2014.

ADDRESSES: Interested persons may submit comments by any of the following methods:

Electronic Filing Using Online Form: http://energy.gov/fe/Procedures.

Regular Mail: U.S. Department of Energy (FE–34), Attn: Proposed Procedures, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Attn: Proposed Procedures Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

John Anderson, U.S. Department of Energy (FE–34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence

Avenue SW., Washington, DC 20585, (202) 586–5600.

Samuel Walsh, U.S. Department of Energy (GC–1), Office of the General Counsel, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6732.

SUPPLEMENTARY INFORMATION:

I. Background

a. Roles of the Agencies With Respect to Natural Gas Exports and Related Facilities

Section 3(a) of the Natural Gas Act (NGA), 15 U.S.C. § 717b(a), gives the Department of Energy [1] responsibility for authorizing exports of natural gas to foreign nations. The nature of the Department's review of applications for export authorization depends on the country to which the natural gas is proposed to be exported. Exports to countries with which the United States has a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) are deemed in the public interest by statute and must be authorized ''without modification or delay.'' 15 U.S.C. 717b(c). This notice does not concern applications to export natural gas to FTA countries. For exports to countries with which the United States does not have a such an agreement (non-FTA countries), the Department must conduct an informal adjudication and then grant the application unless the Department finds that the proposed export will not be consistent with the public interest.

In addition to an authorization from the Department under Section 3(a) of the NGA, an applicant intending to export natural gas from a new or modified LNG terminal must also obtain approval to site, construct, and operate the terminal. For LNG terminals located onshore or in state waters, the applicant must obtain approval from the Federal Energy Regulatory Commission (FERC) pursuant to Section 3(e) of the NGA. 15 U.S.C. 717b(e). For LNG terminals located offshore beyond state waters, the applicant must obtain approval from the Maritime Administration within the Department of Transportation (MARAD) pursuant to Section 3(9) of the Deepwater Ports Act, as amended by Section 312 of the Coast Guard and Maritime Transportation Act of 2012 (Pub. L. 112–213). To date, all but two of the 26 large-scale non-FTA LNG export applications to DOE have proposed exports from LNG terminals located onshore or in state waters and therefore have fallen within FERC's jurisdiction. In most cases, these applicants have applied to DOE and FERC in parallel, which has enabled the two agencies to conduct concurrent reviews under the NGA.

An application to export natural gas to non-FTA countries also requires review of potential environmental impacts under the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* as does an application to site, construct, and operate an LNG terminal. Therefore, both DOE and FERC (or MARAD) must satisfy the applicable requirements of NEPA, which typically result in the preparation or adoption of an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) describing the potential environmental impacts associated with the proposed authorization before taking final action. Nearly all of the non-FTA export proposals currently pending before DOE that have begun the NEPA review process are seeking parallel authorizations from FERC. In those cases, FERC is serving as the lead agency for purposes of preparing the environmental review documents and DOE is serving as a cooperating agency. *See* 40 CFR 1501.4, 1504.5.

b. DOE Procedures for Non-FTA Export Applications

DOE regulations at 10 CFR part 590 describe DOE's process for reviewing non-FTA export applications. This process begins with the submission of an application, the required contents of which are described at 10 CFR 590.202. Upon receipt, DOE reviews the application for completeness. If the application is complete, DOE publishes a notice in the **Federal Register** inviting public participation and comment. 10 CFR 590.205. Upon completing its review of all comments and protests received in response to the notice of application, all information generated in the NEPA review process, and any other information entered into the administrative record at DOE's initiative or otherwise, DOE issues an order deciding whether the proposed export is consistent with the public interest. Parties then have 30 days to seek rehearing or clarification of DOE's order. 15 U.S.C. § 717r(a); 10 CFR 590.501.

DOE regulations also contemplate the issuance of conditional decisions on a discretionary basis prior to the completion of DOE's review process. Section 590.402 of DOE's regulations, entitled ''Conditional orders,'' states: ''The Assistant Secretary may issue a conditional order at any time during a proceeding prior to issuance of a final opinion and order. The conditional order shall include the basis for not issuing a final opinion and order at that time and a statement of findings and conclusions. The findings and conclusions shall be based solely on the official record of the proceeding.''

In 1981, when DOE proposed this provision, it explained that a ''conditional decision would be appropriate in cases where a need exists for an indication of [DOE's] preliminary findings and conclusions, but additional information is needed before a final decision and order can be rendered.'' *Dep't of Energy, Import and Export of Natural Gas; New Administrative Procedures; Proposed Rule,* 46 FR 44696 (Sept. 4, 1981). The Department noted the interconnected regulatory authority possessed by DOE and FERC, and the benefit that conditional decisions may hold for FERC. The Department explained that ''[s]ince decisions on such applications are usually major Federal actions significantly affecting the quality of the human environment within the meaning of [NEPA], an environmental impact statement (EIS) would usually be prepared to assess the impacts of and alternatives to the proposed project. The EIS would then be used by both FERC and [DOE] in making their respective decisions on the application. Since the terminal facilities potentially would involve the larger environmental impact, the FERC would generally be the lead agency for preparing an EIS. Before expending the time and resources needed to develop an EIS, the FERC would benefit from a preliminary indication from [DOE] regarding consistency of the importation with the public interest.'' *Id.* at 44700.

In the years following, DOE issued conditional authorizations on numerous occasions.[2] DOE typically issued these conditional authorizations after completion of the notice and comment process, but before completion of NEPA review. DOE has also, in the past three years, issued seven conditional authorizations for exports of LNG to non-FTA countries.[3] In these orders,

[1] The Department of Energy Organization Act transferred jurisdiction over import and export authorizations from the Federal Power Commission to the Secretary of Energy. 42 U.S.C. § 7151.

[2] *See, e.g., Rochester Gas and Electric Corp.,* DOE/FE Order No. 503 (May 16, 1991); *Brooklyn Union Gas Company, et al.,* DOE/FE Order No. 368–A (1990); *Atlantic Richfield Company,* DOE/FE Order No. 301–B (1990); *Midland Cogeneration Venture Limited Partnership,* DOE/FE Order No. 305–A (1990); *Tennessee Gas Pipeline Company,* DOE Order No. 254–A (1989).

[3] *Jordan Cove Energy Project, L.P.,* DOE/FE Order No. 3413 (March 24, 2014); *Cameron LNG, LLC,* DOE/FE Order No. 3391 (Feb. 11, 2014); *Freeport LNG Expansion, L.P. et al.,* DOE/FE Order No. 3357 (Nov. 15, 2013); *Dominion Cove Point LNG, LP,* DOE/Order No. 3331 (September 11, 2013); *Lake*

DOE has assessed all factors relating to the public interest other than environmental factors and has explained that, when the environmental review is complete, DOE will reconsider the conditional authorization in light of the information gathered in the environmental review before taking final action.[4]

c. The Published Order of Precedence

On December 5, 2012, the Department published the order in which it intended to take up applications to export LNG to non-FTA countries. The order, which the Department has updated from time to time, grouped the pending applications into three categories. The group of applications placed first were those for which the applicant had received approval from FERC to use the FERC pre-filing process on or before December 5, 2012. Receiving this approval from FERC means that an applicant has initiated the NEPA review process, which, as explained above, is a predicate for final action by both FERC and DOE. The group of applications placed second were those that had not yet initiated NEPA review but had already applied to DOE. The group placed third consisted of all applicants that had yet to apply to DOE as of December 5, 2012, regardless of their status in the NEPA review process. Within each group, applications were and have continued to be placed in order of submission to DOE.

II. Discussion

a. Proposed Procedures

In this notice, the Department is proposing to suspend its practice of issuing conditional decisions on applications to export LNG from the lower-48 states[5] to non-FTA countries prior to completion of NEPA review. However, DOE is not proposing to amend 10 CFR 590.402 and will retain its discretion to issue conditional decisions in the future should the reasoning set forth in this Notice no longer apply.

Under the proposed procedure, DOE would no longer proceed in the published order of precedence, but would act on applications in the order in which they become ready for final action. An application is ready for final action when DOE has completed the pertinent NEPA review process and when DOE has sufficient information on which to base a public interest determination. For purposes of determining this order, an application will be deemed to have completed the NEPA review process: (1) For those projects requiring an EIS, 30 days after publication of a Final EIS, (2) for projects for which an EA has been prepared, upon publication by DOE of a Finding of No Significant Impact, or (3) upon a determination by DOE that an application is eligible for a categorical exclusion pursuant to DOE's regulations implementing NEPA, 10 CFR 1021.410, Appx. A & B. The test for whether an application has completed NEPA review will be applied as stated above and without regard for whether FERC, MARAD, or DOE has served as lead agency in preparation of the environmental review document.

This proposed procedure, if adopted, would not affect the continued validity of the conditional orders the Department has already issued. For those applications, the Department will proceed as explained in the conditional orders: When the NEPA review process for those projects is complete, the Department will reconsider the conditional authorization in light of the information gathered in the environmental review and take appropriate final action. Further, the Department will continue to act on requests for conditional authorizations during the period when the procedures proposed in this notice are under consideration.

b. Rationale

The Department is proposing the procedure described above for four reasons: first, because conditional decisions no longer appear necessary for FERC or the majority of applicants to devote resources to NEPA review; second, because doing so will prioritize acting upon applications that are otherwise ready to proceed; third, because doing so will facilitate decisionmaking informed by better and more complete information; and fourth, because doing so will better allocate agency resources.

The Department's original stated justification for issuing conditional authorizations—to provide greater certainty for FERC—no longer appears to apply. FERC has proceeded with the NEPA review process for many LNG terminals that have yet to receive conditional non-FTA authorizations from DOE. Similarly, the applicants themselves have, in general, been willing to devote time and resources to the NEPA review process without having received conditional authorizations. In addition to the seven applications comprising a total of 9.27 billion cubic feet per day (Bcf/d) in export authority to non-FTA countries that DOE has already approved either finally or conditionally, there are another 8 projects comprising 10.82 Bcf/d in requested non-FTA export authority that are well into the NEPA review process without having received a conditional authorization.[6]

Further, the proposed procedure will ensure that applications otherwise ready to proceed will not be held back by their position in the order of precedence. While the first grouping of applications in the order of precedence was partially determined by the applicants' having initiated NEPA review, over time the order of precedence is likely to bear less of a direct relationship to the applicants' progress in NEPA review. Indeed, it is likely that if DOE were to continue on its current course in the published order of precedence, DOE would act on some applications that have yet to initiate NEPA review before acting on others that have already finished NEPA review. By removing the intermediate step of conditional decisions and setting the order of DOE decisionmaking based on readiness for final action, DOE will avoid the possibility of delayed action on applications that are otherwise ready to proceed.

The proposed procedure is also likely to improve the quality of information on which DOE bases its decisions for three reasons. First, by considering economic issues closer in time to when the project is ready to commence construction, DOE will be able to base its decision on more current data than when it issues a conditional decision, which could potentially occur years before NEPA review for the application is complete. Second, by acting only on applications for which NEPA review has been completed, DOE will be in a better position to judge the cumulative market

Charles Exports, LLC, DOE/FE Order No. 3324 (Aug. 7, 2013); *Freeport LNG Expansion, L.P. et al.,* DOE/FE Order No. 3282 (May 17, 2013); *Sabine Pass Liquefaction, LLC,* DOE/FE Order No. 2961 (May 20, 2011).

[4] *See, e.g., Jordan Cove Energy Project, L.P.,* DOE/FE Order No. 3413 (March 24, 2014) at 15.

[5] The Department currently has no long-term applications before it to export LNG from Alaska. Lacking any such applications, the Department cannot say whether there may be unique features of Alaskan projects that would warrant exercise of the Department's discretionary authority to issue conditional decisions. Accordingly, this notice does not address the treatment of applications to export natural gas from Alaska.

[6] *See Oregon LNG,* FERC Docket No. CP09–6; *Corpus Christi Liquefaction, LLC,* FERC Docket No. CP12–507; *Excelerate Liquefaction Solutions (Port Lavaca I), LLC et al.,* FERC Docket Nos. CP14–71, 72 & 73; *Southern LNG Co. LLC,* FERC Docket No. CP14–103; *CE FLNG,* FERC Docket No. PF13–11, *Golden Pass Products LLC,* FERC Docket No. PF13–14; *Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P.,* FERC Docket No. CP14–12; *Magnolia LNG, LLC,* FERC Docket No. PF13–9.

impacts of its authorizations in its public interest review. Completion of the NEPA review process requires, among other things, preparation of engineering and design plans at considerable expense to the applicant.[7] An applicant's willingness and capability to make such expenditures is indicative of the applicant's willingness and capability to complete the proposed project. Therefore, while it is surely not the case that all projects for which NEPA review is completed will be financed and constructed, projects that have undertaken the expense to complete NEPA review are, as a group, more likely to proceed than those that have not. Third, DOE believes that, while it may be warranted in some circumstances to bifurcate the consideration of environmental factors and all other factors affecting the public interest in two separate orders, it is generally preferable to integrate the consideration of all public interest factors in a single order.

Declining to issue conditional decisions will also better allocate departmental resources. Applying for an export authorization from DOE is relatively inexpensive; it requires a small application fee and modest informational requirements. For that reason, some companies may view it as advantageous to file an application with DOE even if they foresee only a low probability that they will ultimately undergo NEPA review and complete the application process. By acting only on applications that are ready for final action, DOE will likely avoid devoting resources to applications that have little prospect of proceeding. These saved resources can be better deployed to providing timely action on applications that are furthest along in the regulatory review process.

III. Public Participation

A. Submission of Comments

In response to this notice, any person may file comments. DOE prefers comments to be filed using the following online form (method 1). However, for those lacking access to the Internet, comments may be filed using method 2 or 3. The three methods are: (1) Submission of comments using the on-line form at *http://energy.gov/fe/Procedures;* (2) mailing comments to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) delivering comments (by hand or courier) to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**. All filings must include a reference to *Notice of Change of Procedures.* PLEASE NOTE: DOE/FE is not accepting any comments by email. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission in PDF format. Please do not include any active hyperlinks or password protection in any of the electronic documents related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. All comments filed in response to this Notice will be publicly available on the DOE/FE Web site (*http://energy.gov/fe/Procedures*) and on *www.regulations.gov.*

While this invitation to comment covers a specific issue, DOE may disregard comments that are not germane to the present inquiry. Commenters should be advised that filings with DOE shall be subject to public disclosure, so submissions should be free of any personally identifiable information (PII) or other information that the individual does not wish to be revealed in a public forum.

Any hardcopy filings are available for inspection and copying in the Division of Natural Gas Regulatory Activities docket Room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. All comments filed will also be available electronically by going to the following DOE/FE Web address: *http://energy.gov/fe/Procedures.*

DOE will accept comments no later than the date provided at the beginning of this notice. After the close of the comment period, DOE will review the comments received and decide whether to implement the proposed policy.

According to 10 CFR part 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document should have all the information believed to be confidential deleted. DOE will make its own determination as to 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 or available from public sources; (4) whether the information has previously been made available to others without obligations concerning its confidentiality; (5) an explanation of the competitive injury to the submitting persons which would result from public disclosure; (6) a date after which such information might no longer be considered confidential; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of the proposed procedures, including its likely impact on applicants and other stakeholders. The Department invites all interested parties to submit in writing by July 21, 2014 comments and information on matters addressed in this notice. After the expiration of the period for submitting written statements, the Department will consider all comments and additional information that is obtained from interested parties or through further analyses, and it will prepare a final procedure statement.

Issued in Washington, DC, on May 29, 2014.

Christopher A. Smith,

Principal Deputy Assistant Secretary, Office of Fossil Energy.

[FR Doc. 2014–12932 Filed 6–3–14; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–487–000]

ANR Pipeline Company; Notice of Application

Take notice that on May 13, 2014, ANR Pipeline (ANR), 717 Texas Street, Houston, Texas 77002–2761, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and sections 157.5, 157.7 and 157.18 of the Commission's regulations for authorization to implement its proposed 2014 Storage Realignment to reduce the capacity at two storage fields (South Chester Storage Field and Central Charlton Storage Field) and authority to realign and revise the capacity parameters at five storage fields (the Lincoln-Freeman Storage Field, the Goodwell Storage Field, Reed City Storage Field, Winfield Storage Field, Loreed Storage Field) while maintaining the same aggregate level of working capacity on the system. Additionally,

[7] *See,* FERC, Office of Energy Projects, Guidance Manual for Environmental Report Preparation (Aug. 2002), *available at http://www.ferc.gov/industries/gas/enviro/erpman.pdf* (describing required contents of Resource Report 13).

ANR is requesting authorization to increase the deliverability at the Muttonville Storage Field from 400 million cubic feet (MMcf) per day to 450 MMcf per day. All of these storage fields are located in Michigan. ANR's proposal is 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, ANR Pipeline Company, 717 Texas Street, Suite 2400, Houston, Texas, or call (832) 320–5685, or by email *linda_farquhar @ transcanada.com*.

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: June 18, 2014.

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12877 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14616–000]

Oregon State University; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Alternative Licensing Procedures

a. Type of Filing: Notice of Intent to File License Application and Request to Use the Alternative Licensing Procedures.

b. Project No.: P–14616–000.

c. Dated Filed: April 15, 2014.

d. Submitted By: Oregon State University.

e. Name of Project: Pacific Marine Energy Test Center South Energy Test Site.

f. Location: Pacific Ocean—Outer Continental Shelf off central Oregon coast near city of Newport, Oregon.

g. Filed Pursuant to: 18 CFR 5.3 of the Commission's regulations.

h. Potential Applicant Contact: Belinda Batten, Oregon State University, 350 Batcheller Hall, Corvallis, OR 97331; (541) 737–9492; email at *Belinda.Batten@oregonstate.edu.*

i. FERC Contact: Jim Hastreiter at (503) 552–2760; or email at *james.hastreiter@ferc.gov.*

j. Oregon State University filed its request to use the Alternative Licensing Procedures on April 15, 2014. Oregon State University provided public notice of its request on May 8, 2014. In a letter dated May 27, 2014, the Director of the Office of Energy Projects approved Oregon State University's request to use the Alternative Licensing Process.

k. Cooperating agencies: Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing

regulations at 50 CFR 600.920; and (c) the Alaska State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR. 800.2.

m. With this notice, we are designating Oregon State University as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, and section 305 of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

n. Oregon State University filed a Pre-Application Document (PAD; including a proposed process plan, schedule, and communications protocol) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

o. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in paragraph h.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: May 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12882 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–482–000]

KPC Pipeline, LLC; Notice of Application

Take notice that on May 9, 2014, KPC Pipeline, LLC (KPC), 14000 Quail Springs Pkwy., Suite 250, Oklahoma City, OK 73134, filed in Docket No. CP14–482–000, an application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, seeking authorization to abandon 2,120 feet of 12-inch diameter pipeline that is suspended from the Fairfax Bridge, which crosses the Missouri River between Platte County, Missouri and Kansas City, Kansas. The abandonment is necessitated by the removal of the Fairfax Bridge by the Missouri Department of Transportation, 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Cathy Pocock, KPC Pipeline, LLC, 14000 Quail Springs Pkwy., Suite 250, Oklahoma City, OK 73134, phone: (405) 608–8557, fax: (405) 608–8600, or email: *cpocock@mvpipelines.com*.

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 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 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 12, 2014.

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12870 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG14–58–000.
Applicants: Shannon Wind, LLC.
Description: Self-Certification of Shannon Wind, LLC.
Filed Date: 5/23/14.
Accession Number: 20140523–5127.
Comments Due: 5 p.m. ET 6/13/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1290–002.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–23_Schedule 34 Amendment Filing to be effective 4/8/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5057.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–1363–001; ER10–3195–002; ER10–3194–002.
Applicants: Kendall Green Energy LLC, MATEP Limited Partnership, MATEP LLC.
Description: Additional Supplement to February 28, 2014 Notice of Change in Status of Kendall Green Energy LLC, et al.
Filed Date: 5/22/14.
Accession Number: 20140522–5170.
Comments Due: 5 p.m. ET 6/12/14.

Docket Numbers: ER14–1422–001.
Applicants: RockTenn CP, LLC.
Description: RockTenn CP Compliance Filing to be effective 5/16/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5125.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–1620–001.
Applicants: AEP Generation Resources Inc.
Description: Ohio Power Supply Agreement Amendment No. 2 Amd to be effective 1/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5151.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–1776–002.
Applicants: Broken Bow Wind II, LLC.
Description: Broken Bow Wind II, LLC Market-Based Rates Tariff Second Supplement to be effective 7/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5086.
Comments Due: 5 p.m. ET 6/6/14.

Docket Numbers: ER14–1969–001.
Applicants: Public Service Company of Colorado.
Description: 2014–5–23 Wind Integration-Rev Exh 20 to be effective 8/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5072.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2019–000.
Applicants: Southern California Edison Company.
Description: Amended LGIA with Solar Star XX, LLC to be effective 7/23/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5001.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2020–000.
Applicants: Southern California Edison Company.
Description: Amended LGIA with Solar Star XIX, LLC to be effective 7/23/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5002.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2021–000.
Applicants: Southern California Edison Company.
Description: GIA & Distribution Service Agreement with Sestina Solar II, LLC to be effective 5/24/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5003.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2022–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Request for Waiver of Midcontinent Independent System Operator, Inc.
Filed Date: 5/22/14.
Accession Number: 20140522–5168.
Comments Due: 5 p.m. ET 6/12/14.

Docket Numbers: ER14–2023–000.
Applicants: Calpine Corporation.
Description: Request for Waiver and Request for Shortened Comment Period and Expedited consideration of Calpine Corporation.
Filed Date: 5/22/14.
Accession Number: 20140522–5171.
Comments Due: 5 p.m. ET 6/2/14.

Docket Numbers: ER14–2024–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3201; Queue No. W3–076 to be effective 4/30/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5029.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2025–000.
Applicants: Southwest Power Pool, Inc.
Description: 2825R2 KMEA and Westar Energy Meter Agent Agreement to be effective 5/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5036.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2026–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3204; Queue No. W3–149 to be effective 4/30/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5047.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2027–000.
Applicants: PJM Interconnection, L.L.C.
Description: First Revised Service Agreement No. 3237; Queue No. W4–093 to be effective 4/30/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5048.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2028–000.
Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, Inc.
Description: 2014–05–23_EAI–AECC JPZ Agreement to be effective 6/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5061.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2029–000.
Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, Inc.
Description: 2014–05–23_EGSL–ELL–ENOI Amended JPZ to be effective 6/1/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5062.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2030–000.
Applicants: Southwest Power Pool, Inc.
Description: 2872 Pleasant Hill Wind/SPS Facilities Construction Agreement to be effective 4/30/2014.
Filed Date: 5/23/14.
Accession Number: 20140523–5082.
Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2031–000.
Applicants: Southwest Power Pool, Inc.
Description: 2465 Owl Feather War Bonnet, LLC GIA Cancellation to be effective 4/29/2014.
Filed Date: 5/22/14.
Accession Number: 20140522–5173.
Comments Due: 5 p.m. ET 6/12/14.

Docket Numbers: ER14–2032–000.

Applicants: California Independent System Operator Corporation.

Description: 2014–05–22_Vernon_MSSA to be effective 7/23/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5084.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2033–000.

Applicants: California Independent System Operator Corporation.

Description: 2014–05–22_IID_APSA to be effective 7/22/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5129.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2034–000.

Applicants: Nevada Power Company.

Description: Rate Schedule No. 143 Concurrence in CAISO RS No. 72 Amendment to ABAOA to be effective 6/11/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5146.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2035–000.

Applicants: Nevada Power Company.

Description: Rate Schedule Nos. 76 & 77 Concurrence in SCE Amended _ Restated RS Nos. 424_267 to be effective 1/1/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5147.

Comments Due: 5 p.m. ET 6/13/14.

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 23, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–12863 Filed 6–3–14; 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: EC14–90–000.

Applicants: SunEdison LLC, AES U.S. Solar, LLC.

Description: Joint Application for approval of SunEdison LLC and AES U.S. Solar, LLC under Section 203 of the Fed Power Act.

Filed Date: 5/23/14.

Accession Number: 20140523–5207.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: EC14–91–000.

Applicants: SunEdison LLC, Imperial Valley Solar 1, LLC.

Description: Joint Application for approval of SunEdison LLC and Imperial Valley Solar 1, LLC under Section 203 of the Federal Power Act.

Filed Date: 5/23/14.

Accession Number: 20140523–5209.

Comments Due: 5 p.m. ET 6/13/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1469–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance Filing per 5/9/2014 Order in Docket No. ER14–1469–000 to be effective 3/13/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5116.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–1767–001.

Applicants: Titan Gas and Power.

Description: MBR Tariff to be effective 6/23/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5060.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–1970–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 2014–05–23_Prohibited Investments Amendment to be effective 7/1/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5135.

Comments Due: 5 p.m. ET 6/6/14.

Docket Numbers: ER14–2036–000.

Applicants: AES Alamitos, LLC.

Description: AES Alamitos Non-Substantive Tariff Amendments Filing to be effective 5/24/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5176.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2037–000.

Applicants: AES Armenia Mountain Wind, LLC.

Description: AES Armenia Non-Substantive Tariff Amendments Filing to be effective 5/24/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5181.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2038–000.

Applicants: Pacific Gas and Electric Company.

Description: WPA for Del Valle Pumping Plant Line Clearance to be effective 5/27/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5182.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2039–000.

Applicants: AES Energy Storage, LLC.

Description: AES Energy Storage Non-Substantive Amendments Tariff Filing to be effective 5/24/2014.

Filed Date: 5/23/14.

Accession Number: 20140523–5187.

Comments Due: 5 p.m. ET 6/13/14.

Docket Numbers: ER14–2040–000.

Applicants: AES Laurel Mountain, LLC.

Description: AES Laurel Mtn Non-Substantive Tariff Amendments to be effective 5/24/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5000.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2041–000.

Applicants: AES Redondo Beach, L.L.C.

Description: AES Redondo Bch Non-Substantive Tariff Amendment Filing to be effective 5/24/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5001.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2042–000.

Applicants: Mountain View Power Partners, LLC.

Description: Mountain View Non-Substantive Tariff Amendments Filing to be effective 5/24/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5002.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2043–000.

Applicants: Mountain View Power Partners IV, LLC.

Description: Mountain View IV Non-Substantive Amendments Tariff Filing to be effective 5/24/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5003.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2044–000.

Applicants: AES Huntington Beach, L.L.C.

Description: AES Huntington Non-Substantive Tariff Amendments Filing to be effective 5/24/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5005.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2045–000.

Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.

Description: OATT Attachment C–1 Amendment to be effective 6/1/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5031.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2046–000.

Applicants: Plum Point Energy Associates, LLC.

Description: Reactive Supply and Voltage Control Service Tariff to be effective 8/1/2014.

Filed Date: 5/27/14.

Accession Number: 20140527–5061.

Comments Due: 5 p.m. ET 6/17/14.

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 27, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–12862 Filed 6–3–14; 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: RP14–1000–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Ramapo Releases eff 6–1–14 to be effective 6/1/2014.

Filed Date: 5/28/14.

Accession Number: 20140528–5189.

Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: RP14–1001–000.

Applicants: Caledonia Energy Partners, L.L.C.

Description: Caledonia Energy Partners Capacity Release Purchase Offer Posting Show Cause to be effective 5/28/2014.

Filed Date: 5/28/14.

Accession Number: 20140528–5190.

Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: RP14–1002–000.

Applicants: Freebird Gas Storage, L.L.C.

Description: Freebird Gas Storage Capacity Release Purchase Offer Posting Show Cause to be effective 5/28/2014.

Filed Date: 5/28/14.

Accession Number: 20140528–5192.

Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: RP14–1003–000.

Applicants: Rockies Express Pipeline LLC.

Description: Fuel—Electric in Cash to be effective 7/1/2014.

Filed Date: 5/28/14.

Accession Number: 20140528–5194.

Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: RP14–999–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: GeoMet permanent release to ARP to be effective 6/1/2014.

Filed Date: 5/28/14.

Accession Number: 20140528–5096.

Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: RP14–1004–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jun 2014 to be effective 6/1/2014.

Filed Date: 5/29/14.

Accession Number: 20140529–5107.

Comments Due: 5 p.m. ET 6/10/14.

Docket Numbers: RP14–1005–000.

Applicants: High Island Offshore System, L.L.C.

Description: ReFile Capacity Release Update to be effective 6/19/2014.

Filed Date: 5/29/14.

Accession Number: 20140529–5108.

Comments Due: 5 p.m. ET 6/10/14.

Docket Numbers: RP14–980–000.

Applicants: High Island Offshore System, L.L.C.

Description: Withdrawal of Capacity Release Update to be effective N/A.

Filed Date: 5/29/14.

Accession Number: 20140529–5081.

Comments Due: 5 p.m. ET 6/10/14.

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: May 29, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–12901 Filed 6–3–14; 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: EC14–92–000.

Applicants: Buffalo Dunes Wind Project, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, Request for Shortened Notice Period, Expedited Consideration and Confidential Treatment of Buffalo Dunes Wind Project, LLC.

Filed Date: 5/27/14.

Accession Number: 20140527–5143.

Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: EC14–93–000.

Applicants: MACH Gen, LLC, New Athens Generating Company, LLC, New Harquahala Generating Company, LLC, Millennium Power Partners, L.P., Solus Alternative Asset Management LP.

Description: Application for Order Authorizing Disposition of Jurisdictional Facilities Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of MACH Gen, LLC, et al.

Filed Date: 5/28/14.

Accession Number: 20140528–5050.

Comments Due: 5 p.m. ET 6/18/14.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1405–001.

Applicants: PJM Interconnection, L.L.C.

Description: Deficiency Filing per 4/24/2014 Order in Docket No. ER14–1405–000 to be effective 12/31/9998.
Filed Date: 5/27/14.
Accession Number: 20140527–5188.
Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–1406–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 2014–05–27_MISO–SPP–PJM JOA Amendment Deficiency Response to be effective 6/1/2014.
Filed Date: 5/27/14.
Accession Number: 20140527–5225.
Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–1407–001
Applicants: Southwest Power Pool, Inc.
Description: SPP–MISO JOA CMP and Article 19 Revisions Deficiency Response to be effective 12/31/9998.
Filed Date: 5/28/14.
Accession Number: 20140528–5000.
Comments Due: 5 p.m. ET 6/18/14.

Docket Numbers: ER14–1685–001.
Applicants: Duke Energy Florida, Inc.
Description: Joint OATT Real Power Loss Factor Amendment (2014) to be effective 5/1/2014.
Filed Date: 5/28/14.
Accession Number: 20140528–5160.
Comments Due: 5 p.m. ET 6/9/14.

Docket Numbers: ER14–1690–001; ER11–3216–001; ER11–3218–001; ER11–3219–001; ER11–3215–001.
Applicants: Monterey SW LLC, Monterey MA LLC, Monterey NY LLC, Monterey MW LLC, Monterey CA LLC.
Description: Notice of Non-Material Change in Status of the Monterey Companies.
Filed Date: 5/27/14.
Accession Number: 20140527–5261.
Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2047–000.
Applicants: BJ Energy, LLC
Description: Cancellation Tariff to be effective 5/28/2014.
Filed Date: 5/27/14.
Accession Number: 20140527–5167.
Comments Due: 5 p.m. ET 6/17/14.

Docket Numbers: ER14–2048–000.
Applicants: Portland General Electric Company.
Description: PGE11 MBR Revisions to be effective 5/28/2014.
Filed Date: 5/28/14.
Accession Number: 20140528–5001.
Comments Due: 5 p.m. ET 6/18/14.

Docket Numbers: ER14–2049–000.
Applicants: Citizens Sunrise Transmission LLC.
Description: Annual Operating Cost True-Up Adjustment Informational Filing to be effective 6/1/2014.
Filed Date: 5/28/14.
Accession Number: 20140528–5065.
Comments Due: 5 p.m. ET 6/18/14.

Docket Numbers: ER14–2050–000.
Applicants: Select Energy, Inc.
Description: Select Energy, Inc. submits Notice of Cancellation of Wholesale Transition Agreement ? FERC Electric Rate Schedule No. 6.
Filed Date: 5/28/14.
Accession Number: 20140528–5134.
Comments Due: 5 p.m. ET 6/18/14.

Docket Numbers: ER14–2051–000.
Applicants: CED White River Solar, LLC.
Description: Filing of Co-Tenancy and Common Facilities Agreement to be effective 4/28/2014.
Filed Date: 5/28/14.
Accession Number: 20140528–5151.
Comments Due: 5 p.m. ET 6/18/14.

Docket Numbers: ER14–2052–000.
Applicants: Trans-Allegheny Interstate Line Company, PJM Interconnection, L.L.C., West Penn Power Company, The Potomac Edison Company, Pennsylvania Electric Company, Metropolitan Edison Company, Monongahela Power Company.
Description: TrAILCo, et al. submit Original and Revised Svc Agrmnts & Request for Waiver to be effective 6/1/2014.
Filed Date: 5/28/14.
Accession Number: 20140528–5156.
Comments Due: 5 p.m. ET 6/18/14.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH14–11–000.
Applicants: EDF Renewable Energy, Inc.
Description: EDF Renewable Energy, Inc. submits FERC 65–B Waiver Notification.
Filed Date: 5/28/14.
Accession Number: 20140528–5072.
Comments Due: 5 p.m. ET 6/18/14.

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 28, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–12959 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–55–000]

FirstEnergy Services Company v. PJM Interconnection, LLC; Notice of Complaint

Take notice that on May 23, 2014, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, and section 206 of the Federal Power Act, 16 U.S.C. 824e, FirstEnergy Services Company (FirstEnergy or Complainant), filed a formal complaint against PJM Interconnection, L.L.C. (PJM or Respondent) requesting that the Commission issue an order requiring the removal of all portions of the PJM Tariff allowing or requiring PJM to include demand response as suppliers to PJM's capacity markets, as more fully explained in the complaint.

FirstEnergy certifies that copies of the complaint were served on the contacts for PJM as listed on the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 12, 2014.

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12875 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–57–000]

City of Hastings, Nebraska, City of Grand Island, Nebraska v. Southwest Power Pool, Inc.; Notice of Complaint

Take notice that on May 23, 2014, pursuant to section 206 and 306 of the Federal Power Act (FPA), 16 USC 824e and 825e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, the City of Hastings, Nebraska and the City of Grand Island, Nebraska (collectively, Complainants) filed a formal complaint against Southwest Power Pool, Inc. (Respondent or SPP) alleging that, the Respondent may have misinterpreted its Tariff and is in violation of the FPA by demanding that the Complainants purchase transmission service that is not required by the Tariff and demanding that Complainants pay unreserved use penalties that are not permitted under the Tariff. In the alternative, if the Commission finds that SPP's interpretation is correct, the Complainants requests that the Commission determine that the affected provisions of the Tariff are unjust and unreasonable, as more fully explained in the Complaint.

The Complainants certify that copies of the Complaint were served on the contacts for the Respondent as listed in the Commission's list of Corporate Officials.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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 12, 2014

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12873 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1256–031]

Loup River Public Power District; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 Fed. Reg. 47897), the Office of Energy Projects has reviewed the application for a new license for the Loup River Hydroelectric Project (FERC Project No. 1256), located on the Loup River in Nance and Platte counties, Nebraska, and prepared a draft environmental assessment (EA).

In the draft EA, Commission staff analyzes the potential environmental effects of licensing the project, and concludes that issuing a new license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the draft EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

You may also register online at *www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice. The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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–1256–031.

For further information, please contact Lee Emery by telephone at (202) 502–8379, or by email at *lee.emery@ferc.gov.*

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12874 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–125–000]

American Midstream, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Midla Pipelines Abandonment Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Midla Pipelines Gas Abandonment Project involving the abandonment of facilities by American Midstream, LLC (Midla) in Ouachita and East Baton Rouge Parishes, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on June 23, 2014.

Further details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

Midla provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Midla proposes to abandon in place approximately 355 miles of 16-inch and 22-inch-diameter pipeline and various small-diameter connected laterals. Midla would also abandon by removal 3 compressor stations (two of which are inactive and from which the compressor units have already been removed), 40 above ground meter stations, and 57 valve sites. The facilities are in East Baton Rouge, Ouachita, Richland, Caldwell, Franklin, Catahoula, Tensas, Concordia, De Soto, East and West Feliciana, and Cameron Parishes, Louisiana and Adams County, Mississippi. According to Midla, the pipelines were constructed in the 1920s and suffer from chronic and serious integrity problems, including internal and external corrosion.[1]

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Abandonment Activities

Abandonment activities associated with the proposed project would disturb about 4.41 acres of land. Following abandonment activities, disturbed areas would be restored and revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the abandonment activities of the proposed project under these general headings:

- Geology and soils;
- Land use;
- Water resources, fisheries, and wetlands;
- Cultural resources;
- Vegetation and wildlife;
- Air quality and noise;
- Endangered and threatened species; and
- Public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and

[1] On the same date, Midla also filed a prior notice application under Docket No. CP14–126–000 for the abandonment by sale to Mid Louisiana Gas Transmission, LLC, its affiliate, two portions of its pipeline system in Ouachita and East Baton Rouge Parishes, Louisiana.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

summarize the status of consultations under Section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before June 23, 2014.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP14–125–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–125). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12869 Filed 6–3–14; 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 23, 2014, Entergy Services, Inc., as agent on behalf of the Entergy Operating Companies [1] submitted a second correction to its April 29, 2014 subsequent compliance filing, providing a second correction to 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.

[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.

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 13, 2014.

Dated: May 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12881 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC14–83–000]

Koch Alaska Pipeline Company, LLC; Notice of Filing

Take notice that on April 24, 2014, Koch Alaska Pipeline Company, LLC submitted a letter to the Federal Energy Regulatory Commission (Commission) informing that they no longer own FERC-jurisdictional assets, therefore they will no longer be filing the FERC Form 6, starting with the 2013 third quarter Form 6Q.

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 or 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: June 18, 2014.

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12879 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC14–27–000]

Koch Alaska Pipeline Company, LLC; Notice of Filing

Take notice that on December 12, 2013, Koch Alaska Pipeline Company, LLC submitted a letter to the Federal Energy Regulatory Commission (Commission) informing that they no longer own FERC-jurisdictional assets, therefore they will no longer be filing the FERC Form 6, starting with the 2013 third quarter Form 6Q.

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 or 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: June 18, 2014.

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12878 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP14–638–000; Docket No. CP14–125–000; Docket No. CP14–126–000]

Atmos Energy Corporation v. American Midstream (Midla) LLC, American Midstream (Midla) LLC, American Midstream (Midla) LLC; Notice of Intent To Convene Meeting and Setting Dates for Meeting

On March 24, 2014, in Docket No. RP14–638–000, Atmos Energy Corporation (Atmos) filed a complaint against American Midstream (Midla) LLC (Midla) alleging, among other things, that Midla's open season notice and process violate the requirements of section 7(b) of the Natural Gas Act. On March 28, 2014, in Docket No, CP14–125–000, Midla filed an application under section 7(b) of the NGA to abandon segments of its jurisdictional pipeline that are currently used to provide service to Atmos, as well as other shippers. Concurrently, Midla filed a prior notice filing in Docket No. CP14–126–000 requesting to abandon the remainder of its jurisdictional pipeline by sale to an affiliate. Midla and Atmos have contacted the Dispute Resolution Division about alternative dispute resolution (ADR) requesting to arrange a meeting among Midla, Atmos and other interested parties regarding the issues raised in these proceedings.

The Commission's Director of the Dispute Resolution Division will conduct a meeting on May 29 and May 30, 2014 commencing on May 29 at 10 a.m. in Hearing Room 7 and on May 30 at a time to be determined in Conference Room 2M–A/B at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC. The meeting will cover the ADR process. The Dispute Resolution Division will also assist the

parties in better identifying and clarifying the issues in the above-captioned dockets and in fostering negotiations among the parties to determine whether agreement using ADR can be achieved. If a party has any questions and for access to the building, please contact Dispute Resolution Division, Support Specialist, Sara Klynsma, at (202) 502–8259.

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12872 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–56–000]

LoneStar Wind Power Company, NorthStar Wind Power Company, WindStar Power Company v. South Texas Electric Co-Operative; Notice of Petition for Enforcement

Take notice that on May 27, 2014, LoneStar Wind Power Company, NorthStar Wind Power Company, and WindStar Power Company filed a Petition for Enforcement, pursuant to section 210(h) of the Public Utility Regulatory Policies Act of 1978 (PURPA), requesting the Federal Energy Regulatory Commission (Commission) to exercise its authority and initiate enforcement action against the South Texas Electric Co-Operative to ensure that PURPA regulations are properly and lawfully implemented.

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 17, 2014.

Dated: May 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12936 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

City of Fort Collins, Colorado; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 16, 2014, the City of Fort Collins, Colorado filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed City of Fort Collins Micro Hydro Project would have an installed capacity of 75 kilowatts (kW) and would utilize water from and connect with an existing 54-inch diameter pipeline. The project would be located near the City of Fort Collins in Larimer County, Colorado.

Applicant Contact: Kenneth Morrison, City of Fort Collins, Colorado, 4316 LaPorte Avenue, Fort Collins, CO 80522, Phone No. (970) 416–2159.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A proposed 11-foot-long, 12-inch-diameter intake pipe; (3) a proposed powerhouse containing one generating unit with an installed capacity of 75 kW; (4) a proposed 30-foot-long, 12-inch-diameter discharge pipe back into the main pipeline; and (5) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 550 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA.	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA.	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (e.g., CD14–20–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: May 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12934 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnline Support@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	Filed date	Presenter or requester
Prohibited:		
1. CP13–73–000, CP13–74–000	5–7–14	Rancho Sierra Vista de Sasabe.
2. P–12790–002	5–8–14	Anne P. Delo and Rosemary E. Giuliano.
3. P–12790–000, P–12790–002	5–13–14	FERC Staff.[1]
4. P–12790–000	5–13–14	FERC Saff.[2]
Exempt:		
1. ER14–1050–000	5–5–14	Members of Congress.[3]
2. CP12–507–000	5–7–14	State Representative Jim Keffer.
3. ER13–1380–000	5–7–14	Members of New York State Senate.[4]
4. ER13–1380–000	5–7–14	Town of North East, New York.
5. CP13–113–000	5–7–14	Office of the Sheriff, Calvert County, Maryland.

[1] 18 CFR 385.2001–2005 (2013).

Docket No.	Filed date	Presenter or requester
6. P–2305–036	5–8–14	US Environmental Protection Agency.
7. CP14–96–000	5–8–14	State of Maine Governor Pal R. LaPage.
8. CP14–96–000	5–9–14	Members of Congress.[5]
9. CP14–96–000	5–9–14	Members of State of Maine Sentate.[6]
10. ER13–1380–000, ER14–500–000	5–12–14	Dutchess County Executive Marc Molinaro.[7]
11. CP14–125–000, CP14–126–000	5–14–14	Hon. Bill Cassidy.[8]
12. P–14537–001	5–14–14	FERC Staff.[9]
13. ER13–1380–000	5–14–14	Intercounty Legislative Committee of the Adirondacks.
14. ER13–1380–000	5–15–14	Hon. Sean Patrick Maloney.
15. ER13–1380–000	5–15–14	New York Assemblyman Kevin Kevin A. Cahill.
16. ER13–1380–000	5–15–14	Orange County, New York.
17. ER13–1380–000	5–15–14	Dutchess County Legislature Robert G. Rolison.
18. ER13–1380–000, ER14–500–00	5–15–14	Hon. Charles Schumer.[10]
19. CP13–483–000, CP13–492–000	5–15–14	FERC Staff.[11]
20. CP13–492–000	5–15–14	FERC Staff.[12]
21. P–2210–207	5–20–14	Hon. James P. Moran.
22. CP14–96–000	5–20–14	State of Maine Representative Mark W. Eves.
23. ER13–1380–000, ER14–500–000	5–20–14	Dutchess County Legislature.[13]
24. ER13–1380–000, ER14–500–000	5–20–14	Orange County, New York Legislative Jeffrey Berkman.
25. CP12–509–000	5–22–14	FERC Staff.[14]

[1] eMails dated May 6, and May 7, 2014 from Lee Sherwood.
[2] eMail dated May 6, 2014 from Carol Haskins.
[3] Hons. Jeanne Shaheen, Patrick Leahy, Edward J. Markey, Kelly Ayotte, Richard Blumenthal, Christopher Murphy, Sheldon Whitehouse, Elizabeth Warren, Jack Reed.
[4] Andrea Stewart-Cousins, George Latimer, Ruth Hassell-Thompson, Cecilia Tkaczyk, Terry Gipson, Neil Breslin.
[5] Joe Courtney, Michael H. Michaud, John B. Larson, Jim Himes, Jim Langevin, Rosa DeLauro, David Cicilline, Elizabeth Esty.
[6] Individual letters from Justin L. Alfond and Roger Katz.
[7] Summary of May 12, 2014 telephone call with Acting Chairman LaFleur.
[8] Summary of May 8, 2014 telephone call with Acting Chairman LaFleur.
[9] Telephone memo for May 13, 2014 telephone call with Pennsylvania Coastal Resource Management Program.
[10] Summary of May 15, 2014 conversation with Acting Chairman LaFleur.
[11] Notes from May 14, 2014 bi-weekly telephone conference with federal cooperating agencies.
[12] Memo forwarding letter to Norman Bay, dated April 30, 2014 from Marcella and Alan Laudani.
[13] Letter signed by Representatives of Legislative Districts 1 through 25.
[14] Summary of May 20, 2014 conversation with Lisa Tonery, counsel for Freeport LNG.

Dated: May 27, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12883 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory

[Docket No. AD14–9–000]

Reliability Technical Conference; Supplemental Notice With Agenda

As announced in the Notice of Technical Conference issued on April 16, 2014, the Commission will hold a technical conference on Tuesday, June 10, 2014 from 8:45 a.m. to 5:00 p.m. to discuss policy issues related to the reliability of the Bulk-Power System. The agenda for this conference is attached. Commission members will participate in this conference.

After the close of the conference, the Commission will accept written comments regarding the matters discussed at the technical conference. Any person or entity wishing to submit written comments regarding the matters discussed at the conference should submit such comments in Docket No. AD14–9–000 on or before July 15, 2014.

Information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event. The conference will be transcribed. Transcripts will be available for a fee from Ace Reporting Company (202–347–3700 or 1–800–336–6646). A free webcast of this event is also available through *www.ferc.gov.* Anyone with Internet access who desires to listen to this event can do so by navigating to *www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to the Webcast. The Capitol Connection provides technical support for webcasts and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Dated: May 28, 2014.

Kimberly D. Bose,

Secretary.

Reliability Technical Conference

Commissioner-Led Reliability Technical Conference

July 10, 2014

8:45 a.m.–5:00 p.m.

8:45 a.m. Commissioners' Opening Remarks

9:00 a.m. Introductions

Acting Chairman Cheryl LaFleur, Conference Chair

9:15 a.m. Panel I: 2014 State of Reliability Report and Emerging Challenges

Presentations: Panelists will be asked to address the following issues:

a. What priorities have been identified in the 2014 report and how are these different from the 2013 report? What does the 2014 State of Reliability Report show about the effectiveness of the ERO's reliability activities and related industry efforts? What progress has been made with respect to the recommendations in the 2013 report and what are the obstacles to continued progress? What are the successes/strengths? What areas need the most improvement? What resource needs and limitations are associated with these areas and what criteria can be used to address them?

b. The 2014 State of Reliability report draws attention to two risk issues that contribute to system disturbances and automatic transmission outage severity: Protection system misoperations and AC substation outage failures. What actions have been taken to address these issues and have these actions been effective in improving performance?

c. What has NERC done, and what can it do, to foster a culture of reliability excellence in the industry? What are the best indicators of an effective culture of reliability excellence?

Panelists:

1. Gerry W. Cauley—President and Chief Executive Officer, North American Electric Reliability Corp. (NERC)
2. Tom Burgess—Vice President and Director of Reliability Assessment Performance Analysis, NERC
3. William O. Ball—Executive Vice President, Southern Company Services, Inc., on behalf of Edison Electric Institute
4. Asim Haque—Commissioner and Vice Chairman, Public Utilities Commission of Ohio, on behalf of the National Association of Regulatory Utility Commissioners
5. Peter Fraser—Vice President, Industry Operation & Performance, Ontario Energy Board

11:15 a.m. Break

11:30 a.m. Panel II: Emerging Issues

Presentations: Our Nation's power supply portfolio and infrastructure are changing rapidly due to factors such as the affordability of domestic natural gas, Federal and state policies on renewable and demand response resources, and new environmental regulations such as the Mercury and Air Toxics Standard. How does the industry expect the overall resources mix to change in the next 5 to 10 years? What approaches are being developed to maintain reserve margins and address real-time operational challenges related to changes in resource mixes in the following areas:

a. Gas Electric Interdependency: How has an increased dependency on natural gas impacted reliability in various regions, and what actions will be needed to maintain reliability?

b. Variable Resources: How are entities addressing operational concerns related to variable resources as described in the 2013 Special Reliability Assessment ''Maintaining Bulk Power System Reliability While Integrating Variable Energy Resources—CAISO Approach'' a joint report published by NERC and the CAISO. What additional work is needed to integrate variable resources in ways that ensure adequate operating reserves, frequency response, and other operational issues?

Panelists:

1. Gerry Cauley—President and Chief Executive Officer, NERC
2. Tom Burgess—Vice President and Director of Reliability Assessment and Performance Analysis, NERC
3. Peter Brandien—Vice President, System Operations, ISO New England
4. Brad Bouillon—Director, Day-Ahead Market and Real-Time Operations Support, California Independent System Operator
5. Allen Mosher—Vice President, Policy Analysis and Reliability Standards, American Public Power Association
6. Bradley Albert—General Manager of Resource Management, Arizona Public Service
7. Robert Hayes—Vice President, Natural Gas Trading, Calpine

12:45 p.m. Lunch

1:30 p.m. Panel III: ERO Initiatives

Presentations: Panelists will be asked to address the following issues:

a. Risk Registration initiative: What is the status of the Risk-Based Registration Initiative? How does this effort align with existing practices and other initiatives?

b. Several Reliability Standards and ERO initiatives depend on prioritizing or differentiating facilities based on how critical they are to the reliable and secure operation of the Bulk Power System. How should this ''tiering'' of facilities be determined? Should a set of common, uniform criteria apply in all contexts or does the appropriate approach depend on the particular context?

c. BES: What issues or trends has NERC observed regarding the implementation of the revised BES definition? To what extent is the exceptions process being utilized and how is it working?

d. Reliability Assurance Initiative: What have NERC and the Regional Entities learned from the Reliability Assurance Initiative (RAI) pilot projects? What are the essential factors NERC and the Regions will use to evaluate internal controls and on what objective basis will NERC determine the quality of one internal control program versus another? What potential impact could the ARI have on the need for and scope of audits?

- How does NERC plan to integrate the results of the pilots into a uniform national program? What obstacles will NERC face in ensuring consistent application of RAI across the eight regions?

Panelists:

1. Tom Burgess—Vice President and Director of Reliability Assessment and Performance Analysis, NERC
2. Jerry Hedrick—Director of Regional Entity Assurance and Oversight, NERC
3. Scott Henry—Chief Executive Officer and President, SERC Reliability Corporation
4. Steven T. Naumann—Vice President, Transmission and NERC Policy, Exelon
5. Barry T. Lawson—Associate Director, Power Delivery and Reliability, National Rural Electric Cooperative Association
6. Sylvain Clermont—Manager, Transmission Services, Hydro-Quebec TransEnergie, on behalf of the Canadian Electricity Association

2:45 p.m. Break

3:00 p.m. Panel IV: ERO Performance

Presentations: Panelists will be asked to address the following issues:

a. Standards Development Process

- What efficiencies have resulted from the revision of NERC's standards development process?
- In what ways has the RISC improved the standards development process? On what bases have the current standards development projects been prioritized and have they deviated from last year?

b. Compliance and Enforcement: What are the trends in the compliance and enforcement of Reliability Standards requirements? Which are the most violated Reliability Standards requirements and what steps are being taken to address this problem?

c. Security Issues

- What is the status of the effort to enhance physical security of the grid?
- What progress has been made regarding CIP version 5 implementation?

i. What issues have entities discovered during the initial effort to implement CIP version 5?

ii. How is NERC planning to address these issues and are there any issues that require Commission action?

iii. What are NERC and the Regional Entities doing to prepare for the enforcement of the CIP version 5 standards to ensure consistent enforcement across the regions?

Panelists:

1. Sonia Mendonca—Associate General Counsel and Director of Enforcement, NERC
2. Steve Noess—Associate Director of Standards Development, NERC
3. Tim Gallagher—Chief Executive Officer and President, Reliability First Corporation
4. Brian Murphy—Manager, NERC Reliability Standards, NextEra Energy
5. Jon Eric Thalman—Director, Regulatory Strategy and Transmission Asset Management, Pacific Gas & Electric Company
6. Carol Chinn—Regulatory Compliance Officer, Florida Municipal Power Agency, on behalf of Transmission Access Policy Study Group

4:30 p.m. Commissioner Closing Remarks

[FR Doc. 2014–12876 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–490–000]

Questar Pipeline Company; Notice of Request Under Blanket Authorization

Take notice that on May 20, 2014, Questar Pipeline Company (Questar), 333 South State Street, P.O. Box 45360, Salt Lake City, Utah 84145, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to replace and upgrade an existing compressor engine at Questar's Coleman Compressor Station located in Sweetwater County, Wyoming, under authorization issued to Questar in Docket No. CP82–491–000, 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 L. Bradley Burton, General Manager, Federal Regulatory Affairs and FERC Compliance Officer, Questar Company, 333 South State Street, P.O. Box 45360, Salt Lake City, Utah 84145, at (801) 324–2459.

Specifically, Questar proposes to upgrade the Compressor Unit No. 2 engine at Coleman Compressor Station by replacing the existing 2,920 horsepower (hp) with a 3,432 hp engine. The estimated cost of the project is $1,589,604.

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.

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: May 29, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12935 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13102–003—Alabama Demopolis Lock and Dam Hydroelectric Project]

Birch Power Company; Notice of Revised Restricted Service List

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR section 385.2010, provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding. The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Alabama Historical Commission (Alabama SHPO) and the Advisory Council on Historic Preservation (Advisory Council) pursuant to the Advisory Council's regulations, 36 CFR Part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 USC section 470 f), to develop and execute a Programmatic Agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places that could be affected by issuance of a license for the proposed Demopolis Lock and Dam Hydroelectric Project No. 13102–003.

On August 12, 2013, Commission staff established a restricted service list for the proposed Demopolis Lock and Dam Hydroelectric Project, which Commission staff revised on November 14, 2013. Since that time, the Chickasaw Nation, Coushatta Tribe of Louisiana, and the Seminole Nation of Oklahoma requested to be added to the restricted service list. The U.S. Army Corps of Engineers requested to include additional staff. The restricted service list is supplemented to include:

''LaDonna Brown, Dr. Timothy Baugh, or Representative, Chickasaw Nation, P.O. Box 1548, Ada, OK 74281.''

''Dr. Linda Langley, THPO, or Representative, Coushatta Tribe of Louisiana, P.O. Box 818, Elton, LA 70532.''

Natalie Harjo, or Representative, Seminole Nation of Oklahoma, P.O. Box 1498, Wewoka, OK 74884.''

''Michael P. Fedoroff, RPA, District Archaeologist, Brian Zettle, or Representative, U.S. Army Corps of Engineers, Mobile District, CESAM–PD–E1, 109 St. Joseph Street, Mobile, AL 36608.''

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12880 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2524–018—Oklahoma Salina Pumped Storage Project]

Grand River Dam Authority; Notice of Revised Restricted Service List

Rule 2010 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR section 385.2010, provides that, to eliminate unnecessary expense or improve administrative efficiency, the Secretary may establish a restricted service list for a particular phase or issue in a proceeding. The restricted service list should contain the names of persons on the service list who, in the judgment of the decisional authority establishing the list, are active participants with respect to the phase or issue in the proceeding for which the list is established.

The Commission staff is consulting with the Oklahoma Historical Society (Oklahoma SHPO) and the Advisory Council on Historic Preservation (Advisory Council) pursuant to the Advisory Council's regulations, 36 CFR Part 800, implementing section 106 of the National Historic Preservation Act, *as amended,* (16 U.S.C. section 470 f), to develop and execute a Programmatic Agreement for managing properties included in, or eligible for inclusion in, the National Register of Historic Places that could be affected by issuance of a new license for the Salina Pumped Storage Project No. 2524–018.

On March 28, 2011, Commission staff established a restricted service list for the Salina Pumped Storage Project. Since that time, changes have occurred and therefore, the restricted service list is revised as follows:

Replace ''Dr. Andrea Hunter, THPO, and James Munkres, Osage Nation, 627 Grandview, Pawhuska, OK 74056'' with ''Dr. Barker Fariss, Senior Archaeologist, or Representative, Osage Nation, 627 Grandview, Pawhuska, OK 74056.''

Replace ''George Strack, THPO, Miami Tribe of Oklahoma, P.O. Box 1326, Miami, OK 74355'' with ''George Strack, THPO, or Representative, Miami Tribe of Oklahoma, 202 S. Eight Tribes Trail, Miami, OK 74354.''

Remove ''Dr. Timothy G. Baugh, Historical Archaeologist, Oklahoma Historical Society, 800 Nazih Zuhdi Drive, Oklahoma City, OK 73105–7917'' because he retired.

Dated: May 22, 2014.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–12871 Filed 6–3–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0349; FRL–9910–93–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Pharmaceuticals Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''NESHAP for Pharmaceuticals Production (Renewal)'' (EPA ICR No. 1781.07, OMB Control No. 2060–0358), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested via the **Federal Register** 78 FR 35023 on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 7, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0349, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes: Profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov/,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The NESHAP for Pharmaceuticals Production were proposed on April 2, 1997, and promulgated on September 21, 1998. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any malfunctions in the operation of an affected facility or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance and, in general, are required of all sources subject to NESHAP. This information is used by the Agency to identify sources subject to the standards to insure that the maximum achievable control technologies are being applied.

Semiannual summary reports are also required.

Form Numbers: None.

Respondents/affected entities: Pharmaceutical manufacturing operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGG).

Estimated number of respondents: 27 (total).

Frequency of response: Initially, occasionally, quarterly and semiannually.

Total estimated burden: 44,266 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $4,442,518 (per year), includes $112,266 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: 1) The regulations have not changed since the publication of the 2011 final rule, which was covered in the last ICR renewal; and 2) the growth rate for the industry is very low, negative or non-existent. However, there is an increase in industry cost as the burden calculations in this ICR, including affirmative defense, have been updated to use more recent labor rates.

Dated: May 27, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12911 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0322; FRL–9909–04–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Beryllium Rocket Motor Fuel Firing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Beryllium Rocket Motor Fuel Firing (Renewal)'' (EPA ICR No. 1125.07, OMB Control No. 2060–0394), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested via the **Federal Register** (78 FR 35023) on June 11, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 7, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0322, to: (1) EPA online, using *www.regulations.gov* (our preferred method), or by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov*, or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP (40 CFR part 61, subpart A), and any changes or additions to the Provisions are further specified at 40 CFR part 61, subpart D. Owners or operators of the affected facilities must submit a onetime-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Form Numbers: None.

Respondents/affected entities: Owners or operators of beryllium rocket motor fuel firing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart D).

Estimated number of respondents: 1 (total).

Frequency of response: Initially and occasionally.

Total estimated burden: 8 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $817 (per year), which includes no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in calculating the burden for either Industry or the EPA in this ICR. The change in the cost estimates is a result of using updated labor rates to facilitate the calculation of burden costs.

Dated: May 27, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12957 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0069; FRL–9911–47–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; The SunWise Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''The SunWise Program (Renewal)'' (EPA ICR No. 1904.08, OMB Control No. 2060–0439) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through June 30, 2014. Public comments were previously requested

via the **Federal Register** on December 31, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before July 7, 2014.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2007–0069 to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Robert Burchard, Stratospheric Protection Division, Office of Atmospheric Programs (6205J), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9126; fax number: (202) 343–2338; email address: *burchard.robert@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Abstract: The SunWise Program is a school and community-based sun safety education program for children grades K–8. The Program's objective is to reduce the incidence of, and morbidity and mortality from skin cancer, cataracts, and other UV-related health effects in the United States.

Respondents/affected entities: Elementary and middle school students and educators, recreation workers, and health educators.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 8,980.

Frequency of response: Annual.

Total estimated burden: 1,632 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $107,172.45 per year, includes no annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a small change in the total estimated respondent burden compared with the ICR currently approved by OMB due to adjustments.

Dated: May 27, 2014.

Erin Collard,

Acting Director, Collection Strategies Division.

[FR Doc. 2014–12965 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0386; FRL–9910–88]

Fipronil; Receipt of Application for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Oregon Department of Agriculture to use the pesticide Fipronil (CAS No. 120068–37–3) to treat up to 600 acres of rutabaga and turnips to control the cabbage maggot.

The applicant proposes uses which are supported by the Interregional (IR)–4 program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. In accordance with 40 CFR 166.24(a)(7), EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before June 19, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0386, 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 pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. Oregon Department of Agriculture has requested the EPA Administrator to issue specific exemptions for the use of fipronil on turnip and rutabaga to control the cabbage maggot. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

As part of these requests, the applicant asserts that an emergency situation exists based upon three factors:

1. A severe increase in cabbage maggot populations;

2. Apparent increasing resistance of the maggot to the registered alternative; and

3. Phytotoxicity of the registered alternative to emerging seedlings.

The applicant states that significant economic losses will be suffered without adequate control of the cabbage maggot in turnip and rutabaga production. The applicant indicates that fipronil has been shown to provide excellent crop safety, and overall provides better control than the registered alternative.

The Applicant proposes to make no more than one application at 4.16 fluid oz. of product per acre, to a maximum of 600 acres of rutabagas and turnips, for use of up to a potential maximum of 19.5 gallons of product. Applications would potentially be made through September 30, 2014, in the Oregon counties of Clackimas, Marion, Multnomah, and Umatilla.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a specific exemption proposing a use which is supported by the Inter-Regional Project Number 4 (IR–4) program and has been requested in 5 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemptions requested by the Oregon Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 22, 2014.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2014–12918 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[[FRL–9911–74–Region 6]

Notice of Decision To Issue Clean Air Act Greenhouse Gas PSD Permit for the ExxonMobil Chemical Company Baytown Olefins Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Agency Action.

SUMMARY: This notice announces that EPA Region 6 issued a final permit decision for a Clean Air Act Greenhouse Gas (GHG) Prevention of Significant Deterioration (PSD) permit (PSD–TX–102982–GHG) for the ExxonMobil Chemical Company (ExxonMobil) to authorize a construction project at ExxonMobil's existing Baytown Olefins Plant (BOP).

DATES: EPA Region 6 issued a final PSD permit decision to ExxonMobil for the BOP on May 14, 2014. The PSD permit for the BOP became final and effective on May 14, 2014. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Fifth Circuit by August 4, 2014.

ADDRESSES: Documents relevant to the above-referenced permit are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, Air Permits Section (6PD–R), U.S. Environmental Protection Agency, Region 6, (214) 665–7596, *wilson.aimee@epa.gov.* Key portions of the administrative record for this decision (including the final permit, all public comments, EPA's responses to the public comments, and additional supporting information) are available through a link at Region 6's Web site, *http://yosemite.epa.gov/r6/Apermit.nsf/AirP.* Anyone who wishes to review the EPA Environmental Appeals Board (EAB or the Board) decision described below or documents in the Board's electronic docket for its decision related to this matter can obtain them at *http://www.epa.gov/eab/.*

SUPPLEMENTARY INFORMATION: EPA Region 6 issued its final permit decision to ExxonMobil authorizing construction of a major modification at the ExxonMobil BOP, PSD Permit No. PSD–TX–102982–GHG, on May 14, 2014. EPA Region 6 initially issued a final

PSD permit decision to ExxonMobil on November 25, 2013. A commenter filed a petition for review of the Region's November 25, 2013, permit decision for the ExxonMobil BOP with the Board. On May 14, 2014, the Board issued an order denying review. *See In re ExxonMobil Chemical Company (Baytown Olefins Plant),* PSD Appeal No. 13–11, slip op. at 35 (EAB May 14, 2014), 16 E.A.D. __. Following denial of review, pursuant to 40 CFR 124.19(l)(2), EPA Region 6 issued a final permit decision to ExxonMobil on May 14, 2014. All conditions of the BOP GHG PSD permit, Permit No. PSD–TX–102982–GHG, became final and effective on May 14, 2014.

Dated: May 23, 2014.

Wren Stenger,

Director, Multimedia Planning and Permitting Division, EPA Region 6.

[FR Doc. 2014–12930 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice announces a teleconference call of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, June 19, 2014 from 3:30 p.m. to 4:00 p.m. (EDT). To receive the call-in number and passcode, please contact the Board's Designated Federal Officer (DFO) at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Julie Hughes, STEAB Designated Federal Officer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number: 202–320–9703, and email: *Julie.Hughes@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Receive STEAB Task Force updates, review of feedback from DOE and EERE with regards to the recently submitted Lab recommendation, discuss potential engagement with EERE staff on relevant issues related to Task Force work or the Engagement Plan, and look at next-steps and action items as a lead-in to the August meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Julie Hughes at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days on the STEAB Web site at: *www.steab.org.*

Issued at Washington, DC, on May 29, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–12969 Filed 6–3–14; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0278; FRL–9911–16]

Registration Review Proposed and Proposed Interim Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed registration review decisions and opens a public comment period on the proposed and proposed interim decisions. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. This document also announces the registration review case closure for the pesticide amitrole (case 0095) and the availability of the amitrole case closure document. The cancellation of all amitrole product registrations became effective on April 11, 2014. This case closure for amitrole is being announced herein with no comment period.

DATES: Comments must be received on or before August 4, 2014.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II.A., 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: *For pesticide specific information, contact:* The Chemical Review Manager for the pesticide of interest identified in the table in Unit II.A.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@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 interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all

the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.A.

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

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

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

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

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

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

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

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

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

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

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

II. Background

A. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed and proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed and proposed interim decisions.

Ancymidol (Proposed Interim Decision)

The registration review docket for ancymidol (EPA–HQ–OPP–2011–0482) opened in June 2011. Ancymidol is a plant growth regulator registered for treating container-grown herbaceous plants, ornamental woody shrubs, and bedding plants grown in greenhouses and in outdoor plant-bedding areas. It is also registered for use as a seed treatment for ornamental plants, and treated seeds are used to start plants. Use of ancymidol is limited to nursery grown ornamentals. There are no food, feed, or residential uses registered for ancymidol. No pesticide tolerances have been established. EPA conducted a qualitative assessment for both human health and ecological risks. No risks of concern were identified in the human health risk assessment. The ecological risk assessment indicated that there was no reasonable expectation for any registered use of ancymidol to cause direct or indirect adverse effects to threatened and endangered species. A ''no effect'' determination was made for all federally listed species and designated critical habitat. Ancymidol has not been evaluated under the Endocrine Disruptor Screening Program (EDSP). Therefore, the Agency's final registration review decision is dependent upon the result of the evaluation of potential endocrine disruptor risk. Pending the outcome of this action, EPA is planning to issue an interim registration review decision for ancymidol.

DEET (Combined Work Plan and Proposed Interim Decision)

The registration review docket for DEET (N,N-diethyl-meta-toulamide) is opening (EPA–HQ–OPP–2012–0162) for public comment on a combined Work Plan and Proposed Interim Registration Review Decision. DEET is a broad-spectrum insect repellent registered for use against biting flies, biting midges, black flies, chiggers, deer flies, fleas, gnats, horse flies, mosquitoes, no-see-ums, sand flies, stable flies, and ticks. It is currently registered for non-food uses and residential uses. It can be directly used on clothing, applied to the skin, and used on horses. EPA conducted a qualitative assessment for both human health and environmental fate and ecological risks. No risks of concern were identified. The ecological risk assessment made a ''no effect'' determination for federally listed species and designated critical habitat. DEET has not been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the result of the evaluation of potential endocrine disruptor risk. Pending the outcome of this action, EPA is planning to issue an interim registration review decision for DEET.

Denatonium Saccharide (Proposed Interim Decision)

The registration review docket for denatonium saccharide (EPA–HQ–OPP–2008–0441) opened in June 2008. Denatonium saccharide is a bittering agent in squirrel, vole, dog, and cat repellents used on outdoor surfaces and structures such as trees, fences, poles, decks, planters, siding, garbage cans, furniture, seeds, and bulbs. EPA conducted a qualitative human health risk assessment and did not identify any risks of concern. The ecological risk assessment identified potential risks for birds and listed mammals. However, due to the number of conservative assumptions included in the assessment, the Agency is not proposing mitigation changes at this time. The risk assessment for denatonium saccharide did not come to a conclusion of ''no effect'' to listed species. Therefore, consultation with the U.S. Fish and Wildlife Service (USFWS) on the potential risk of denatonium saccharide to listed species will be necessary. Denatonium saccharide has not been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the result of Section 7 Endangered Species consultation with the USFWS and the evaluation of potential endocrine disruptor risk. Pending the outcome of these actions, EPA is planning to issue an interim registration review decision for denatonium saccharide.

Dioctyl Sodium Sulfosuccinate (Proposed Decision)

The registration review docket for DSS (EPA–HQ–OPP–2010–1006) opened in December 2010. DSS is registered as an insecticide and miticide in pet shampoos and spray products in combination with Undecylenic Acid (UDA). As a pesticidal active ingredient, there are no food uses and, thus, no tolerances are established. DSS is used as an active ingredient in over the counter stool-softener and laxative products for infants, children, and adults; it is also used in pharmaceutical, cosmetic, and food products. EPA has conducted a qualitative assessment for both human health and ecological risks, including listed species for DSS. The human health risk assessment did not

identify any risks of concern for DSS. The ecological risk assessment made a ''no effect'' determination for federally listed species and designated critical habitat. Pursuant to FFDCA Section 408(p)(4), EPA has exempted DSS from the requirements of the EDSP in an Administrative Order entitled *Exemption of Dioctyl Sodium Sulfosuccinate (DSS) and Undecylenic Acid (UDA) from the Requirements of the Endocrine Disruptor Screening Program* which is available in the registration review docket.

Gas Cartridges; Inorganic Nitrate—Nitrite, Carbon and Carbon Dioxide, and Sulfur (Proposed Interim Decision)

Potassium and sodium nitrate, carbon and carbon dioxide, and sulfur are ingredients in fumigant gas cartridge products, which are available in small and large sizes. Both sizes are registered to control burrowing mammals, but only the large gas cartridge is registered to also control coyotes, red foxes and skunks. Gas cartridges are registered for outdoor use only. To use the products, the user lights the fuse, places the cartridge in the burrow or den and seals the entrance. Animals within the burrow or den are asphyxiated by the release of carbon dioxide and toxic gases.

The Agency relied on a previous human health risk assessment in making its registration review decisions and determined that no human health risks of concern exist for these compounds. The Agency conducted a new ecological risk assessment for the gas cartridges for registration review. The risk assessment did find the potential for adverse effects to a number of endangered species from gas cartridge use. EPA developed mitigation to address the risk to a number of the endangered species. In most cases, the mitigation involves the use of Endangered Species Protection Bulletins. Because the gas cartridges contain the three compounds, these Bulletins are available for comment in the Inorganic Nitrate—Nitrite, Carbon and Carbon Dioxide, and Sulfur Registration Review dockets (EPA–HQ–OPP–2007–1118, EPA–HQ–OPP–2007–0705, and EPA–HQ–OPP–2008–0176, respectively). Although implementation of these Bulletins will address risk to some endangered species from gas cartridge use, risk to a number of other endangered species remains. Additionally, potassium and sodium nitrate, carbon and carbon dioxide, and sulfur have not been evaluated under the EDSP. Therefore, the Agency's final registration review decisions are dependent upon the result of Section 7 Endangered Species consultation with the USFWS and the evaluation of potential endocrine disruptor risk. Pending the outcome of these actions, EPA is planning to issue interim registration review decisions for sodium and potassium nitrate, carbon and carbon dioxide, and sulfur.

Metofluthrin (Proposed Interim Decision)

The registration review docket for metofluthrin (EPA–HQ–OPP–2012–0105) opened in June 2013. Metofluthrin is a Type 1 synthetic pyrethroid insect repellent and insecticide with products registered for use in residential and commercial areas, including barns, patios, porches, campgrounds, stables and kennels to repel adult mosquitoes and kill bed bugs. The products registered for outdoor use are an impregnated paper repellent strip, a battery-operated personal outdoor insect repellent fan, an impregnated fiberglass ring heated by a candle, and battery-operated automated mister. The registered indoor use is a soluble concentrate used as a spray to kill bedbugs. There are no registered food/feed uses for metofluthrin. No pesticide tolerances have been established. EPA conducted a human health risk assessment and an ecological risk assessment. No risks of concern were identified in the human health risk assessment. The ecological risk assessment indicated that there was no reasonable expectation for any registered use of metofluthrin to cause direct or indirect adverse effects to threatened and endangered species. A ''no effect'' determination was made for all federally listed species and designated critical habitat. Metofluthrin has not been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the result of the evaluation of potential endocrine disruptor risk. Pending the outcome of this action, EPA is planning to issue an interim registration review decision for metofluthrin.

Polybutene Resins (Proposed Decision)

The registration review docket for polybutene resins (EPA–HQ–OPP–2009–0649) opened in June 2010. Polybutene is a sticky polymer registered for use as a bird and small mammal repellent. It is used to prevent house sparrows, pigeons, and starlings from roosting inside and outside of buildings, as well as to prevent beavers from attacking trees and shrubs. There are no food/feed uses and, it is exempt from a tolerance requirement when used as a sticker agent in packaging of insect control products used on food crops. Polybutene is approved by the U.S. Food and Drug Administration (FDA) as an indirect food additive and is used as an ingredient in cosmetic products that are applied directly to the skin such as sun block or moisturizer, and that may be incidentally ingested, such as lipstick. EPA conducted a qualitative assessment for both human health and environmental fate and ecological risks. No risks of concern were identified in the human health risk assessment. The ecological risk assessment indicated that there was no reasonable expectation for any registered use of polybutene to cause direct or indirect adverse effects to threatened and endangered species. A ''no effect'' determination was made for all federally listed species and designated critical habitat. Pursuant to FFDCA Section 408(p)(4), EPA has exempted polybutene from the requirements of the EDSP in an Administrative Order (AO) entitled *Exemption of Polybutene from the Requirements of the Endocrine Disruptor Screening Program.* The AO is available in the registration review docket.

Sulfur (Proposed Interim Decision)

The registration review docket for sulfur (EPA–HQ–OPP–2008–0176) opened in March 2008. Sulfur is used as an insecticide and fungicide on a wide range of field and greenhouse-grown food and feed crops, livestock, livestock quarters, and indoor and outdoor residential sites. Sulfur is also registered for use in gas cartridge products, along with inorganic nitrate/nitrite, carbon, and carbon dioxide. EPA has conducted a qualitative assessment for both human health and ecological risks, including listed species for sulfur. Details of the assessment for the gas cartridge use are summarized under the gas cartridge heading in this unit. For uses of sulfur other than gas cartridges, the Agency is making a ''no effect'' determination for all listed aquatic species, and a ''no effect'' determination for direct effects to listed terrestrial vertebrates that do not rely on insects as a primary food source. However, at this time, the Agency is not able to make an endangered species determination on terrestrial invertebrates, terrestrial plants, or indirect effects to terrestrial vertebrates with insects as a primary food source. Sulfur has not been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the result of Section 7 Endangered Species consultation with the USFWS and the evaluation of potential endocrine disruptor risk. Pending the outcome of these actions, EPA is planning to issue

an interim registration review decision for sulfur.

Undecylenic Acid (Proposed Decision)

The registration review docket for UDA (EPA–HQ–OPP–2011–0910) opened in December 2011. UDA is registered as an insecticide and miticide in pet shampoos and spray products in combination with dioctyl sodium sulfosuccinate (DSS). As a pesticidal active ingredient, there are no food uses and, thus, no tolerances are established. UDA is approved by the FDA as an active ingredient in over the counter anti-fungal products, and it is also used as a flavoring agent. EPA has conducted a qualitative assessment for both human health and ecological risks, including listed species for UDA. The human health risk assessment did not identify any risks of concern for UDA. The ecological risk assessment made a ''no effect'' determination for federally listed species and designated critical habitat. Pursuant to FFDCA Section 408(p)(4), EPA has exempted UDA from the requirements of the EDSP in an AO entitled *Exemption of Dioctyl Sodium Sulfosuccinate (DSS) and Undecylenic Acid (UDA) from the Requirements of the Endocrine Disruptor Screening Program* which is available in the registration review docket.

This notice also announces the registration review case closure for the pesticide amitrole (case 0095) and the availability of the amitrole case closure document. The Notice of Receipt of a Request to Voluntarily Cancel Certain Pesticide Registrations was issued in the **Federal Register** of August 28, 2013 (78 FR 53141)(FRL–9396–4), and no substantive public comments were received during the 180-day comment period that impacted the Agency's decision to grant the cancellation request. In the **Federal Register** of April 11, 2014 (79 FR 20199) (FRL–9908–31), the Agency published the Cancellation Order for all amitrole product registrations. Due to the cancellation of all registered amitrole products in the United States, the Agency closed the registration review case for amitrole, pursuant to 40 CFR 155.42(c). In addition to the registration review case closure document, the registration review docket (EPA–HQ–OPP–2011–0105) for amitrole, also includes other relevant documents related to the registration review of this case. This action is not open for public comment.

TABLE—REGISTRATION REVIEW PROPOSED AND PROPOSED INTERIM FINAL DECISIONS

Registration review case name and No.	Pesticide Docket ID No.	Chemical review manager, telephone number, email address
Ancymidol (Case #3017)	EPA–HQ–OPP–2011–0482	Christina Scheltema, 703–308–2201, *scheltema.christina@epa.gov.*
Carbon and Carbon Dioxide (Case #4019)	EPA–HQ–OPP–2007–0705	Carissa Cyran, 703–347–8781, *cyran.carissa@epa.gov.*
DEET (N,N-diethyl-meta-toulamide) (Case #0002)	EPA–HQ–OPP–2012–0162	Susan Bartow, 703–603–0065, *bartow.susan@epa.gov.*
Denatonium Saccharide (Case #7625)	EPA–HQ–OPP–2008–0441	Cathryn Britton, 703–308–0136, *britton.cathryn@epa.gov.*
Dioctyl Sodium Sulfosuccinate (Case #4029)	EPA–HQ–OPP–2010–1006	Garland Waleko, 703–308–8049, *waleko.garland@epa.gov.*
Inorganic Nitrate—Nitrite (Case #4052)	EPA–HQ–OPP–2007–1118	Eric Miederhoff, 703–347–8028, *miederhoff.eric@epa.gov.*
Metofluthrin (Case 7445)	EPA–HQ–OPP–2012–0105	Veronica Dutch, 703–308–8585, *dutch.veronica@epa.gov.*
Polybutene Resins (Case #4076)	EPA–HQ–OPP–2009–0649	Joel Wolf, 703–347–0228, *wolf.joel@epa.gov.*
Sulfur (Case #0031)	EPA–HQ–OPP–2008–0176	Tanja Crk, 703–308–8202, *crk.tanja@epa.com.*
Undecylenic Acid (Case #4095)	EPA–HQ–OPP–2011–0910	Garland Waleko, 703–308–8049, *waleko.garland@epa.gov.*

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the initial docket.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit II.A., as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed and proposed interim registration review decisions are supported by the rationales included in those documents.

Following public comment, the Agency will issue final registration review decisions or interim registration review decisions for products containing the pesticides listed in the table in Unit II.A.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) required EPA to establish by regulation procedures for reviewing pesticide

registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II.A. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a ''Response to Comments Memorandum'' in the docket. The final registration review decision will explain the effect that any comments had on the decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/oppsrrd1/registration_review.* Links to earlier documents related to the registration review of these pesticides are provided at: *http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm.*

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

Section 3(g) of FIFRA and 40 CFR part 155, subpart C, provide authority for this action.

List of Subjects

Environmental protection, Administrative practice and procedure, Pesticides and pests, Ancymidol, Amitrole, Carbon and Carbon Dioxide, DEET, Denatonium Saccharide, Dioctyl Sodium Sulfosuccinate, Inorganic Nitrate—Nitrite, Metofluthrin, Polybutene Resins, Sulfur, and Undecylenic Acid.

Dated: May 28, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–12943 Filed 6–3–14; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–9910–97]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before July 7, 2014.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–1017, 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.

Submit written withdrawal request by mail to: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. ATTN: John W. Pates, Jr.

- *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: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@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 interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

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

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

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

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

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

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

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

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

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

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

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

II. What action is the Agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 18 pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Chemical name
000100–00867	Barricade F Herbicide	Prodiamine.
000100–00879	Barricade G Herbicide	Prodiamine.
000432–00799	AquaPy	Piperonyl butoxide and Pyrethrins (NO INERT USE).
000464–00664	Bioban CS–40L Preservative	4,4-Dimethyloxazolidine.
001448–00371	Busan 1020L	Metam-sodium.
004713–00004	Kenya Pyrethrum Extract Crude Concentrate A	Pyrethrins (NO INERT USE).
007969–00057	Ronilan Manufacturer's Concentrate	Vinclozolin.
007969–00085	Ronilan EG Fungicide	Vinclozolin.
007969–00224	Curalan EG Fungicide	Vinclozolin.
011603–00035	Bromotril Technical	Bromoxynil octanoate.
011603–00036	Agan Bromoxynil Technical	Bromoxynil octanoate.
011603–00048	Nicosulfuron Technical	Nicosulfuron.
019713–00299	Drexel Sanitizit	Phosphoric acid and Dodecylbenzenesulfonic acid.
040849–00056	Enforcer Flea Fogger XX	MGK 264, Pyrethrins (NO INERT USE), Pyriproxyfen, and Permethrin.
046386–00002	Prometrex Technical	Prometryn.
053883–00241	CSI Wipe & Spray Insecticide	Stabilene, Pyrethrins (NO INERT USE), and Piperonyl butoxide.
072159–00002	ImidaPro 2SC Systemic Insecticide	Imidacloprid.
073801–00002	Permethrin Technical	Permethrin.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
432	Bayer Environmental Science, A Division of Bayer, CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
464	The Dow Chemical Co., Agent: The Dow Chemical Company, 100 Larkin Center, 1650 Joseph Dr., Midland, MI 48674.
1448	Buckman Laboratories Inc., 1256 North McLean Blvd., Memphis, TN 38108.
4713	Pyrethrum Board of Kenya, Agent: Regwest Company, LLC, 8203 West 20th Street, Suite A, Greeley, CO 80634–4696.
7969	BASF Corporation, Agricultural Products, 26 Davis Drive,, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
11603	Agan Chemical Manufacturing, LTD, Agent: Makhteshim-Agan of North America Inc., 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
19713	Drexel Chemical Company, P.O. Box 13327, Memphis, TN 38113–0327.
40849	ZEP Commercial Sales & Service, A Unit of Zep, Inc., Agent: Compliance Services, 1259 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
46386	Verolit Chemical Manufacturers LTD., Agent: Makhteshim-Agan of North America Inc., 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
53883	Control Solutions, Inc., 5903 Genoa-Red Bluff Road, Pasadena, TX 77507–1041.
72159	Agrisel USA, Inc., Agent: Biologic, Inc., 115 Obtuse Hill Road, Brookfield, CT 06804.
73801	Tagros Chemicals India LTD., Agent: Biologic, Inc., 115 Obtuse Hill Road, Brookfield, CT 06804.

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

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II. have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

A. For Products (000464–00664, 011603–00048 and 053883–00241)

The registrants have indicated to the Agency via written response that there is no existing stocks of technical or end use products. Therefore, no existing stocks date is necessary. Registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product.

B. For Products (007969–00057, 007969–00085 and 007969–00224)

The registrant has indicated to the Agency via letter and verbal communication, that all registrations for the active ingredient vinclozolin will be phased out. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, EPA anticipates allowing registrants to sell and distribute existing stocks of these products until December 31, 2016. Thereafter, registrants, and persons other than registrants, are prohibited from selling or distributing existing stocks of products containing vinclozolin identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Existing stocks of products containing vinclozolin already in the hands of users can be used legally until such stocks are exhausted, provided that the use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled products.

C. For All Other Products identified in Table 1 of Unit II

Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 27, 2014.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2014–12922 Filed 6–3–14; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2014–3006]

Agency Information Collection Activities; Proposals Submissions, and Approvals

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 95–09 Letter of Interest Application.

SUMMARY: The Export-Import Banks of the United States (Ex-Im Bank), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The Letter of Interest (LI) is an indication of Export-Import (Ex-Im) Bank's willingness to consider financing a given export transaction. Ex-Im Bank uses the requested information to determine the applicability of the proposed export transaction and determines whether or not to consider financing that transaction.

One question (appearing as number 1 in the previous version) from Attachment A has been removed in this updated version of the form, since it is no longer relevant.

The form can be reviewed at: *http://www.exim.gov/pub/pending/95-9-li-1.pdf.*

DATES: Comments must be received on or before July 7, 2014 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20038 Attn: OMB 3048–EIB95–09.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 95–09 Letter of Interest Application

OMB Number: 3048–0005

Type of Review: Regular

Need and Use: The Letter of Interest (LI) is an indication of Export-Import (Ex-Im) Bank's willingness to consider financing a given export transaction. Ex-

Im Bank uses the requested information to determine the applicability of the proposed export transaction system prompts and determines whether or not to consider financing that transaction.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 540.

Estimated Time per Respondent: 0.5 hours.

Annual Burden Hours: 270.

Frequency of Reporting of Use: On occasion.

Government Reviewing Time per Year: 270.

Average Wages per Hour: $42.50.

Average Cost per Year: $11,475.

Benefits and Overhead: 20%.

Total Government Cost: $13,770.

Toya Woods,

Record Management Divisions.

[FR Doc. 2014–12832 Filed 6–3–14; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2014–3005]

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Export-Import Bank of the United States.

ACTION: 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, Export-Import Bank of the United States has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

DATES: Comments must be submitted July 7, 2014 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* (EIB 11–01) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW. Washington, DC 20038 Attn: OMB 3048–0036

Comments submitted in response to this notice may be made available to the public through the *WWW.REGULATIONS.GOV.* 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 and made available on the Internet. 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.

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Andy Chang, *Andy.Chang@exim.gov*, or by mail to Andy Chang, Export-Import Bank of the United States, 811 Vermont Ave. NW. Washington, DC 20571

SUPPLEMENTARY INFORMATION:

Title: EIB 11–01, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.0

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** of March 18, 2014 (Vol. 79, No. 52).

Below we provide Export-Import bank of the United States projected average estimates for the next three years: [1]

Current Actions: Renewal of approval for collection of information.

Type of Review: Regular.

Survey Type: Web based/email survey: Feedback/Comment Evaluation Form; Detailed Mail Evaluation Form; Telephone; Focus Group.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents in the three year interval: 14,010.

Below we provide projected average estimates for the next three years:

Average Expected Annual Number of activities: 10.

Average number of Respondents per Activity: 467.

Annual responses: 4,670.

Frequency of Response: Once per request.

Average minutes per response: 8.

Annual Burden hours: 623.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Toya Woods,

Agency Clearance Officer.

[FR Doc. 2014–12834 Filed 6–3–14; 8:45 am]

BILLING CODE 6690–01–P

[1] The 60-day notice included the following estimate of the aggregate burden hours for this generic clearance federal-wide:

Average Expected Annual Number of activities: 23.

Average number of Respondents per Activity: 1,102.

Annual responses: 25,350.

Frequency of Response: Once per request.

Average minutes per response: 8.

Burden hours: 3,375.

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted to the Office of Management and Budget for Review and Approval

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before July 7, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0805.

Title: 700 MHz Eligibility, Regional Planning Requirements, and 4.9 GHz Guidelines (47 CFR 90.523, 90.527, and 90.1211).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: State, local or tribal government; not-for-profit institutions.

Number of Respondents and Responses: 1,172 respondents; 1,172 responses.

Estimated Time per Response: 1 hour (range of 1 hour to 628 hours).

Frequency of Response: On occasion reporting requirements; one-time reporting requirements; and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits (47 CFR 90.523, 90.527, and voluntary (47 CFR 90.1211).

Total Annual Burden: 35,756 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: Section 90.523 requires that nongovernmental organizations that provide services which protect the safety of life or property obtain a written statement from an authorizing state or local government entity to support the nongovernmental organization's application for assignment of 700 MHz frequencies. *Section 90.527* requires 700 MHz regional planning regions to submit an initial plan for use of the 700 MHz general use spectrum in the consolidated narrowband segment 769–775 MHz and 799–805 MHz. Regional planning committees may modify plans by written request, which must contain the full text of the modification and certification that the modification was successfully coordinated with adjacent regions. Regional planning promotes a fair and open process in developing allocation assignments by requiring input from eligible entities in the allocation decisions and the application technical review/approval process. Entities that seek inclusion in the plan to obtain future licenses are considered third party respondents. *Section 90.1211* authorizes the fifty-five 700 MHz regional planning committees to develop and submit on a voluntary basis a plan on guidelines for coordination procedures to facilitate the shared use of 4940–4990 MHz (4.9 GHz) band, the Commission has stayed this requirement indefinitely. Applicants are granted a geographic area license for the entire fifty MHz of 4.9 GHz spectrum over a geographical area defined by the boundaries of their jurisdiction—city, county or state. Accordingly, licensees are required to coordinate their operations in the shared band to avoid interference, a common practice when joint operations are conducted.

Commission staff will use the information to assign licenses, determine regional spectrum requirements and to develop technical standards. The information will also be used to determine whether prospective licensees operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate regional requirements or provide for the efficient use of the available frequencies. This information collection includes rules to govern the operation and licensing of the 700 MHz and 4.9 GHz bands rules and regulation to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–12859 Filed 6–3–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the

information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 4, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov* and *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), (202) 418–0217, or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0704.

Title: Sections 42.10, 42.11, 64.1900 and Section 254(g): Policies and Rules Concerning the Interstate, Interexchange Marketplace.

Form Number: N/A.

Type of Review: Extension of a currently-approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 700 respondents; 2,800 responses.

Estimated Time per Response: .50–2 hours.

Frequency of Response: Annual reporting requirements, third party disclosure requirements and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in section 254(g) of the Communications Act of 1934, as amended.

Total Annual Burden: 2,450 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR section 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection as an extension (no change in reporting, third party disclosure requirements, and/or recordkeeping requirements) after this 60-day comment period in order to obtain the full three year clearance from the OMB. The four information collection requirements under this OMB Control Number are information disclosure requirements, Internet posting requirements, recordkeeping requirements, and annual certification requirements. These requirements are necessary to provide consumers ready access to information concerning the rates, terms, and conditions governing the provision of interstate, domestic, interexchange services offered by nondominant interexchange carriers (IXCs) in a detariffed and increasingly competitive environment. The information collected under the information disclosure requirement and the Internet posting requirement must be disclosed to the public to ensure that consumers have access to the information they need to select a telecommunications carrier and to bring to the Commission's attention to possible violations of the Communications Act without a specific public disclosure requirement. The information collected under the recordkeeping and certification requirements will be used by the Commission to ensure that affected interexchange carriers fulfill their obligations under the Communications Act, as amended.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–12990 Filed 6–3–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before August 4, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* <*mailto:PRA@fcc.gov*> and to *Cathy.Williams@fcc.gov* <*mailto:Cathy.Williams@fcc.gov*>.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1039.

Title: Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act—Review Process, WT Docket No. 03–128.

Form No.: FCC Form 620 and 62, TCNS E-filing.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 47,250 respondents and 47,250 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 1, 4(i), 303(q), 303(r), 309(a), 309(j) and 319 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303(q), 303(r), 309(a), 309(j) and 319, Sections 101(d)(6) and 106 of the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. 470a(d)(6) and 470f, and Section 800.14(b) of the rules of the Advisory Council on Historic Preservation, 36 CFR 800.14(b).

Total Annual Burden: 97,929 hours.

Annual Cost Burden: $13,087,425.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: FCC staff, State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO) and the Advisory Council of Historic Preservation (ACHP) use the data to take such action as may be necessary to ascertain whether a proposed action may affects sites of cultural significance to tribal nations and historic properties that are listed or eligible for listing on the National Register as directed by Section 106 of the National Historic Preservation Act (NHPA) and the Commission's rules.

FCC Form 620, New Tower (NT) Submission Packet is to be completed by or on behalf of applicants to construct new antenna support structures by or for the use of licensees of the FCC. The form is to be submitted to the State Historic Preservation Office (''SHPO'') or to the Tribal Historic Preservation Office (''THPO''), as appropriate, and the Commission before any construction or other installation activities on the site begins. Failure to provide the form and complete the review process under Section 106 of the NHPA prior to beginning construction may violate Section 110(k) of the NHPA and the Commission's rules.

FCC Form 621, Collocation (CO) Submission Packet is to be completed by or on behalf of applicants who wish to collocate an antenna or antennas on an existing communications tower or non-tower structure by or for the use of licensees of the FCC. The form is to be submitted to the State historic Preservation Office (''SHPO'') or to the Tribal Historic Preservation Office (''THPO''), as appropriate, and the Commission before any construction or other installation activities on the site begins. Failure to provide the form and complete the review process under Section 106 of the NHPA prior to beginning construction or other installation activities may violate Section 110(k) of the NHPA and the Commission's rules.

The Tower Construction Notification System (TCNS) is used by or on behalf of Applicants proposing to construct new antenna support structures, and some collocations, to ensure that Tribal Nations have the requisite opportunity to participate in review prior to construction. To facilitate this coordination, Tribal Nations have designated areas of geographic preference, and they receive automated notifications based on the site coordinates provided in the filing. Applicants complete TCNS before filing a 620 or 621 and all the relevant data is pre-populated on the 620 and 621 when the forms are filed electronically.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–12860 Filed 6–3–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 4, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov* and *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), (202) 418–0217, or via the Internet at *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

*OMB Control Num*ber: 3060–0169.

Title: Section 43.51, Reports and Records of Communications Common Carriers and Affiliates.

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Responses and Respondents: 55 respondents; 1,210 responses.

Estimated Time per Response: 6 hours.

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

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections: 1–4, 10, 11, 201–205, 211, 218, 220, 226, 303(g), 303(r) and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 160, 161, 201, 205, 211, 218, 220, 226, 303(g), 303(r) and 332.

Total Annual Burden: 5,047 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information.

Needs and Uses: On May 13, 2011, the Federal Communications Commission released a *First Report and Order and Further Notice of Proposed Rulemaking* (FCC 11–76) in Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules, IB Docket No. 04–112 (rel. May 13, 2011) (*Part 43 Review Order*). In the *Part 43 Review Order,* the Commission, among other things, removed section 43.53 on the grounds that it was no longer in the public interest. However, the Commission did not alter section 43.51.

Federal Communications Commission.

Marlene H. Dortch,

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

[FR Doc. 2014–12988 Filed 6–3–14; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: May 27, 2014.

Federal Deposit Insurance Corporation

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

[In alphabetical order]

FDIC Ref. No.	Bank name	City	State	Date closed
10499	Columbia Savings Bank	Cincinnati	OH	5/23/2014

[FR Doc. 2014–12833 Filed 6–3–14; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreement are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012103–003.

Title: CMA CGM/CSAV Victory Bridge Vessel Sharing Agreement.

Parties: CMA CGM, S.A. and Compania Sud American de Vapores S.A.

Filing Party: Kristi L. Hunter, Esq.; Associate General Counsel; CMA CGM (America) LLC; 5701 Lake Wright Drive; Norfolk, VA 23502.

Synopsis: The amendment increases CMA CGM's slot allocation, revises the number of vessels contributed by each party, and adds Savannah to the expected port rotation.

Dated: May 30, 2014.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2014–12920 Filed 6–3–14; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 19, 2014.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *First American Investment, Inc., 401(k) Employee Stock Ownership Plan and Trust, Hudson, Wisconsin; Steven Michael Pfeiffer, River Falls, Wisconsin; Matthew Dean Adams, Roberts, Wisconsin; and Nicholas LeRoy Shultz, Saint Michael, Minnesota, individually and as Trustees of First American Investment, Inc., 401(k) Employee Stock Ownership Plan and Trust,* to retain voting shares of First American Investment, Inc., and thereby indirectly

retain voting shares of First American Bank, National Association, both in Hudson, Wisconsin.

Board of Governors of the Federal Reserve System, May 30, 2014.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2014–12989 Filed 6–3–14; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–FTR–2014–05; Docket No. 2014–0002; Sequence 21]

Federal Travel Regulation; Designation of Agency Senior Travel Officials

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of Federal Travel Regulation (FTR) Bulletin 14–08, Designation of Agency Senior Travel Officials.

SUMMARY: GSA's Office of Government-wide Policy is strongly encouraging agencies to notify GSA of the name and contact information of the employee selected to be responsible on an agency-wide basis for carrying out the directives in Section 3 of Executive Order (E.O.) 13589, ''Promoting Efficient Spending,'' so s/he can be included in future meetings of agency travel officials. This person may be referred to as the Senior Travel Official (STO).

DATES: June 4, 2014.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Ms. Jill Denning, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–208–7642, or by email at *travelpolicy@gsa.gov.* Please cite Notice of FTR Bulletin 14–08.

SUPPLEMENTARY INFORMATION: Agencies carrying out their various missions must do so in a fiscally responsible manner to protect the interests of taxpayers. The President issued Executive Order (E.O.) 13589, ''Promoting Efficient Spending,'' on November 9, 2011, to achieve this goal by charging agencies with aggressively cutting waste and promoting efficient and effective spending in administrative areas that are necessary to conducting official business. In Section 3, the E.O. identified travel as one area of opportunity for cost savings, and provided in subsection 3(b) that agencies, agency components, and offices of inspectors general should designate a senior-level official to be responsible for developing and implementing policies and controls to ensure efficient spending for travel and conference-related activities.

Dated: May 29, 2014.

Carolyn Austin-Diggs,

Acting Deputy Associate Administrator, Office of Asset and Transportation Management, Office of Government-wide Policy.

[FR Doc. 2014–12979 Filed 6–3–14; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2014–02; Docket No. 2014–0002; Sequence 20]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Public Advisory Committee Meeting and Conference Calls

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting Notice.

SUMMARY: Notice of this meeting and these conference calls is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the agenda and schedule for the September 10, 2014 meeting of the Green Building Advisory Committee Meeting (the Committee) and the schedule for a series of conference calls, supplemented by Web meetings, for two task groups of the Committee. The meeting is open to the public and the site is accessible to individuals with disabilities. The conference calls are open for the public to listen in. Interested individuals must register to attend as instructed below under **SUPPLEMENTARY INFORMATION**.

DATES:

Meeting date: The meeting will be held on Tuesday, September 10, 2014, starting at 9:00 a.m. Eastern time, and ending no later than 4:00 p.m.

Task group conference call dates: The conference calls will be held according to the following schedule:

The *Net Zero* task group will hold conference calls every Tuesday from June 18, 2014 to July 30, 2014 from 2:00 p.m. to 3:00 p.m. eastern daylight time.

The *Building Labels* task group will hold conference calls every Monday from June 23, 2014 to Aug 4, 2014 from 11:00 a.m. to 12:00 p.m. eastern daylight time.

FOR FURTHER INFORMATION CONTACT: Ken Sandler, Designated Federal Officer, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, General Services Administration, 1800 F Street NW., Washington, DC 20405, telephone 202–219–1121 (Note: This is not a toll-free number). Additional information about the Committee, including meeting materials and updates on the task groups and their schedules, will be available on-line at *http://www.gsa.gov/gbac.*

SUPPLEMENTARY INFORMATION:

Procedures for Attendance and Public Comment: Contact Ken Sandler at *ken.sandler@gsa.gov* to register to attend the meeting and/or listen in to any or all of these conference calls. To attend the meeting and/or conference calls, submit your full name, organization, email address, and phone number. Requests to attend the September 10, 2014 meeting must be received by 5:00 p.m. eastern daylight time on Tuesday, September 2, 2014. Requests to listen in to the calls must be received by 5:00 p.m. Eastern time, Friday, June 20, 2014. (GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the Web meeting site in advance of calls is recommended.)

Contact Ken Sandler at *ken.sandler@gsa.gov* to register to comment during the September 10 meeting's public comment period. Registered speakers/organizations will be allowed a maximum of 5 minutes each and will need to provide written copies of their presentations. Requests to comment at the meeting must be received by 5:00 p.m. eastern daylight time on Tuesday, September 2, 2014. Written comments also may be provided to Mr. Sandler at *ken.sandler@gsa.gov* by the same deadline.

Background: The Administrator of the U.S. General Services Administration established the Committee on June 20, 2011 (**Federal Register**/Vol. 76, No. 118) pursuant to Section 494 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17123, or EISA). Under this authority, the Committee advises GSA on the rapid transformation of the Federal building portfolio to sustainable technologies and practices. The Committee focuses primarily on reviewing strategic plans, products and activities of the Office of Federal High-Performance Green Buildings and providing advice regarding how the Office can accomplish its mission most effectively.

The *Net Zero* task group will further develop the motion of a committee member to ''Strengthen net zero energy commitments for new and existing

federal buildings and federal leased buildings'' into a final proposal to GSA. *The Building Labels* task group will develop the motion of a committee member to ''Require building performance labels [for federal buildings], including current energy and environmental performance'' into a final proposal to GSA.

The conference calls will focus on how the task groups can best refine these motions into consensus recommendations of each group to the full Committee, which will in turn decide whether to proceed with formal advice to GSA based upon these recommendations.

September 10, 2014 Meeting Agenda

- Welcome & Plans for Today's Meeting.
- New Member Introduction & Orientation.
- Overview of Committee Work and Election of Committee Chair.
- Net Zero Federal Buildings.
- Working Lunch.
- Federal Building Performance Labels.
- Putting Research Into Practice, and Steps to Adoption.
- Public Comment Period.
- Closing Comments.

Detailed agendas, background information and updates for the meeting and conference calls will be posted on GSA's Web site at *http://www.gsa.gov/gbac.*

Meeting Access: The Committee will convene its September 10, 2014 meeting at the U.S. General Services Administration building, Rooms 1459–1460, 1800 F Street NW., Washington, DC 20405, and the site is accessible to individuals with disabilities.

Dated: May 29, 2014.

Kevin Kampschroer,

Federal Director, Office of Federal High-Performance Green Buildings, General Services Administration.

[FR Doc. 2014–12978 Filed 6–3–14; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0331–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for revision of the approved information collection assigned OMB control number 0990–0331, which expires on August 31, 2015. Prior to submitting that ICR to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before August 4, 2014.

FOR FURTHER INFORMATION CONTACT: OS Report Clearance Officer, Sherrette Funn, *Sherrette.Funn@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–0331–60D for reference.

Information Collection Request Title: Evaluation of the Responsible Fatherhood, Marriage and Family Strengthening Grants for Incarcerated and Reentering Fathers and Their Partners.

Abstract: The Office of the Assistant Secretary for Planning and Evaluation (ASPE) is conducting an evaluation of a demonstration program called Responsible Fatherhood, Marriage and Family Strengthening Grants for Incarcerated and Reentering Fathers and Their Partners (MFS–IP). This demonstration program, funded in 2006 by the Office of Family Assistance within the Administration for Children and Families (ACF), supports marriage strengthening and responsible fatherhood activities among incarcerated and recently released fathers, their partners, and children. The MFS–IP evaluation assesses the effects of these activities by comparing relationship quality and stability, positive family interactions, family financial well-being, recidivism, and community connectedness between intervention and control groups.

Data collection for the entire evaluation is expected to last 7 years, from the time the first participant was enrolled in late 2008 until the last follow-back interview is administered in early 2015. The burden table estimate below, previously approved under OMB No. 0990–0331, includes sufficient burden hours to cover completion of the 9-month, 18-month, and 34 month surveys and for the follow-back interviews. The focus of this proposed amendment is approval for the qualitative follow-back interviews for a small group of respondents (up to 50 couples) from the cohort of 34 month interview respondents.

Need and Proposed Use of the Information: Primary data for the evaluation comes from in-person surveys with incarcerated and released fathers and their partners at baseline, 9, 18, and 34 month interviews and follow-back interviews on a purposeful subsample of 34 month interviewees. The qualitative information from the follow-back interviews will enable us to better understand how reentry success and family well-being are interrelated for the survey population, inform future research and evaluation with this population (particularly development and selection of appropriate quantitative measures of family relationship quality), and better identify meaningful leverage points for reentry intervention. This additional information will assist Federal, state, and community policymakers and stakeholders in understanding what policy and programmatic supports could help to strengthen families and improve reentry outcomes in this population.

Likely Respondents: Up to 50 couples from the MFS–IP impact study sample, which includes 1,991 fathers incarcerated at the time of the baseline survey and 1,481 of their female partners.

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.

ANNUAL BURDEN ESTIMATES

Forms	Annualized number of respondents	Number of responses per respondent	Average burden (in hours) per response	Total annualized burden	Hourly wage rate	Total annualized hourly cost
MFS–IP Follow-up Survey—Male (9 & 18 month)	321	1	1.5	481.5	$5.85	$2816.78
MFS–IP Follow-up Survey—Female (9 & 18 month)	488.3	1	1.5	732.5	17.17	12577.03
MFS–IP Follow-up Survey—Male (34 month and follow-back)	462.7	1	1.5	694	5.85	4059.90
MFS–IP Follow-up Survey—Female (34 month and follow-back)	462.7	1	1.5	694	17.17	11915.98
Totals				2602		31369.69

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2014–12850 Filed 6–3–14; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice.

SUMMARY: As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, AHRQ has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA).

DATES: Comments must be submitted August 4, 2014.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. The current clearance was approved on July 24th, 2011 (OMB Control Number 0935–0179) and will expire on July 31st, 2014.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Below we provide AHRQ's projected average annual estimates for the next three years:

Current Actions: New collection of information. Type of Review: New Collection.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Average Expected Annual Number of activities: 10.

Respondents: 10,900.

Annual responses: 10,900.

Frequency of Response: Once per request.

The total number of respondents across all 10 activities in a given year is 10,900.

Average minutes per response: 19.

Burden hours: 3,452.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

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 healthcare research and healthcare 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 23, 2014.

Richard Kronick,

Director.

[FR Doc. 2014–12908 Filed 6–3–14; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0907]

Proposed Data Collections Submitted for Public Comment and Recommendations

The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. To request more information on the below proposed project or to obtain a copy of the information collection plan and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Musculoskeletal Disorder (MSD) Intervention Effectiveness in Material Handling Operations (OMB No. 0920–0907, expires 11/30/2014)—Revision—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. Under Public Law 91–596, sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1970), NIOSH has the responsibility to conduct research to advance the health and safety of workers. In this capacity, NIOSH proposes a two-year approval to continue a study to assess the effectiveness and cost-benefit of occupational safety and health (OSH) interventions for musculoskeletal disorders.

NIOSH and the Ohio Bureau of Workers Compensation (OBWC) will continue to collaborate on a multi-site intervention study at OBWC-insured companies from 2014–2016. In overview, MSD engineering control interventions (such as stair-climbing, powered hand trucks, and powered truck lift gates) will be tested for effectiveness in reducing self-reported back and upper extremity pain among 960 employees performing material handling operations in 72 establishments using a prospective experimental design (multiple baselines across groups). The costs of the interventions will be funded through existing OBWC funds and participating establishments.

This study will provide important information that is not currently available elsewhere on the effectiveness of OSH interventions for workers. The study sub-sample will be volunteer employees at OBWC-insured establishments who perform material handling tasks that are expected to be impacted by the engineering control interventions. It is estimated that there will be 960 impacted employees in the recruited establishments, which will be paired according to previous workers compensation loss history and establishment size.

This protocol is changed from the previous data collection in that:

- A Low Back Functional Assessment is no longer being conducted to increase data collection efficiency.
- The study population now includes workers performing material handling tasks in all industries, not just wholesale retail trade. Tested interventions also include a number of material handling engineering controls. These changes were made to increase generalizability of results.
- All employers will now receive the intervention immediately, rather than half being randomly selected to receive the intervention six months later. This change was made to increase participation among employers.

The main outcomes for this study are self-reported low back pain and upper extremity pain collected using surveys every three months over a two-year period from volunteer material handling workers at participating establishments. Individuals will also be asked to report usage of the interventions and material handling exposures every three months over two years. Individuals will also be asked to complete an annual health assessment survey at baseline, and once annually for two years.

In order to maximize efficiency and reduce burden, a choice of web-based or paper survey is proposed for the data collection.

All collected information will be used to determine whether there are significant differences in reported musculoskeletal pain and functional back pain score ratios (pre/post intervention scores), while controlling for covariates. Once the study is

completed, results will be made available through the NIOSH internet site and peer-reviewed publications.

The ''Self-reported low back pain'' and ''Self-reported upper extremity pain'' forms are collected every three months (9 over two years, or an average of 4.5 per year). The ''Self-reported general work environment and health'' form is collected at baseline, at the end of the first year and at the end of the second year (3 times over two years, or an average of 1.5 per year). The informed consent form is collected once at the beginning of the study, an average of .5 per year. The early exit interview is collected once for a limited number of participants, an average of .5 per year. There is no cost to respondents other than their time.

In summary, this study will determine the effectiveness of the tested MSD interventions for material handling workers and enable evidence based prevention practices to be shared with the greatest audience possible. NIOSH expects to complete data collection in 2016. The total estimated annual burden hours are 1,364.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Material handling workers	Self-reported low back pain	960	4.5	5/60	360
	Self-reported upper extremity pain	960	4.5	5/60	360
	Self-reported specific job tasks and safety incidents.	960	4.5	5/60	360
	Self-reported general work environment and health.	960	1.5	10/60	240
	Informed Consent Form (Overall Study)	960	.5	5/60	40
	Early Exit Interview	106	.5	5/60	4
Total					1,364

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. 2014–12838 Filed 6–3–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1620–N]

Medicare Program; Notification of Closure of Teaching Hospital and Opportunity To Apply for Available Slots

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the closure of one teaching hospital and the initiation of an application process for hospitals to apply to the Centers for Medicare & Medicaid Services (CMS) to receive Long Beach Medical Center's full time equivalent (FTE) resident cap slots.

DATES: We will consider applications received no later than 5 p.m. (e.s.t.) September 2, 2014. Applications must be received, not postmarked, by this date.

FOR FURTHER INFORMATION CONTACT: Miechal Lefkowitz, (212) 616–2517.

SUPPLEMENTARY INFORMATION:

I. Background

Section 5506 of the Patient Protection and Affordable Care Act (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ''Affordable Care Act''), ''Preservation of Resident Cap Positions from Closed Hospitals,'' authorizes the Secretary of the Department of Health and Human Services (the Secretary) to redistribute residency slots after a hospital that trained residents in an approved medical residency program closes. Specifically, section 5506 of the Affordable Care Act amended the Social Security Act (the Act) by adding subsection (vi) to section 1886(h)(4)(H) of the Act and modifying language at section 1886(d)(5)(B)(v) of the Act, to instruct the Secretary to establish a process to increase the full time equivalent (FTE) resident caps for other hospitals based upon the FTE resident caps in teaching hospitals that closed ''on or after a date that is 2 years before the date of enactment'' (that is, March 23, 2008). In the November 24, 2010 CY 2011 Outpatient Prospective Payment System (OPPS) final rule (75 FR 72212), we established regulations and an application process for qualifying hospitals to apply to CMS to receive direct graduate medical education (GME) and indirect medical education (IME) FTE resident cap slots from the hospital that closed. We made certain modifications to those regulations in the FY 2013 Hospital Inpatient Prospective Payment System/Long Term Care Hospital final rule (FY 2013 IPPS/LTCH PPS final rule (77 FR 53434 through 53447)). The procedures we established apply both to teaching hospitals that closed on or after March 23, 2008 and on or before August 3, 2010, and to teaching hospitals that closed after August 3, 2010.

II. Provisions of the Notice

A. Notice of Closure of Teaching Hospital and Application Process

CMS has learned of the closure of one teaching hospital, Long Beach Medical Center, of Long Beach, NY. The purpose of this notice is to notify the public of the closure of this teaching hospital, and to initiate another round of the application and selection process described in section 5506 of the Affordable Care Act. This round will be the seventh round (''Round 7'') of the application and selection process. The table below identifies the closed teaching hospital, which is part of the Round 7 application process under section 5506 of the Affordable Care Act:

TEACHING HOSPITAL CLOSURE

Provider No.	Provider name	City and state	CBSA Code	Terminating date	IME cap (including ± MMA Sec. 422 [2] adjustments)	Direct GME cap (including ± MMA Sec. 422 [2] adjustments)
330225	Long Beach Medical Center.	Long Beach, NY	[1] 35004	February 1, 2014	26.79	26.79 + 2.10 section 422 increase = 28.89.[3]

[1] The CBSA codes applicable to the Round 7 application process are those in effect for the FY 2014 IPPS, *not* the new CBSA codes proposed by CMS for the FY 2015 IPPS in the FY 2015 IPPS proposed rule (79 FR 28055).

[2] Section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), Pub. L. 108–173, redistributed unused residency slots effective July 1, 2005.

[3] Long Beach Medical Center's 1996 direct GME FTE cap is 26.79. Under section 422 of the MMA, the hospital received an increase of 2.10 to its direct GME FTE cap: 26.79 + 2.10 = 28.89. We note that under 42 CFR 413.77(g), direct GME FTE cap slots associated with an increase received under section 422 of the MMA are to be paid using the appropriate locality-adjusted national average per resident amount (PRA).

B. Application Process for Available Resident Slots

The application period for hospitals to apply for slots under section 5506 is 90 days following notification to the public of a hospital closure. Therefore, hospitals wishing to apply for and receive slots from the above hospitals' FTE resident caps must submit applications directly to the CMS Central Office no later than September 2, 2014. The mailing address for the CMS Central Office is included on the application form. Applications must be *received* by the September 2, 2014 deadline date. It is *not* sufficient for applications to be postmarked by this date. After an applying hospital sends a hard copy of a section 5506 application to the CMS Central Office mailing address, they must also send an email to: *ACA5506application@cms.hhs.gov.* In the email, the hospital should state: ''On behalf of [insert hospital name and Medicare CMS Certification Number], I am sending this email to notify CMS that I have mailed to CMS a hard copy of a section 5506 application under Round 7 due to the closure of Long Beach Medical Center.'' An applying hospital should not attach an electronic copy of the application to the email. The email will only serve as notification that a hard copy application has been mailed to the CMS Central Office.

In the CY 2011 Outpatient Perspective Payment System/Ambulatory Surgical Center (OPPS/ASC) final rule with comment period, we did not establish a deadline by when CMS would issue the final determinations to hospitals that receive slots under section 5506 of the Affordable Care Act. However, we will review all applications received by the deadline and notify applicants of our determinations as soon as possible.

We refer readers to the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/dgme.html* to download a copy of the application form (section 5506 CMS Application Form) that hospitals are to use to apply for slots under section 5506 of the Affordable Care Act. We also refer readers to this same Web site to access a copy of the CY 2011 OPPS/ASC final rule with comment period, a copy of the FY 2013 Inpatient Perspective Payment System Long Term Care Hospital (IPPS/LTCH) PPS final rule (77 FR 53434 through 53447), and a list of additional section 5506 guidelines for an explanation of the policy and procedures for applying for slots, and the redistribution of the slots under sections 1886(h)(4)(H)(vi) and 1886(d)(5)(B)(v) of the Act. (We note that in the FY 2015 IPPS proposed rule (79 FR 28154 through 28161), CMS proposed additional changes to the section 5506 application process. However, those proposed changes do not apply to this Round 7 application process).

III. Collection of Information Requirements

This document does not impose any new information collection requirements, that is, any reporting, recordkeeping or third-party disclosure requirements, as defined under the Paperwork Reduction Act of 1995 (5 CFR 1320). Furthermore, all information collection requirements associated with the preservation of resident cap positions from closed hospitals are not subject to the Paperwork Reduction Act, as stated in section 5506 of the Affordable Care Act.

Dated: May 29, 2014.

Marilyn Tavenner,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–13006 Filed 6–3–14; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than July 7, 2014.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Data Collection Tool for Rural Health Community-Based Grant Programs.

OMB No.: 0915–0319—Extension.

Abstract: There are currently five rural health grant programs that operate under the authority of Section 330A of the Public Health Service (PHS) Act. These programs include: (1) Rural

Health Care Services Outreach Grant Program (Outreach); (2) Rural Health Network Development Grant Program (Network Development); (3) Small Healthcare Provider Quality Grant Program (Quality); (4) Delta States Rural Development Network Grant Program (Delta) and (5) Rural Health Network Development Planning Grant Program (Network Planning). These grants are to provide expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of quality improvement and workforce activities. In general, the grants may be used to expand access, coordinate, and improve the quality of essential health care services and enhance the delivery of health care in rural areas.

Need and Proposed Use of the Information: For these programs, performance measures were drafted to provide data useful to the programs and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. These measures cover the principal topic areas of interest to ORHP, including: (a) Access to care; (b) the underinsured and uninsured; (c) workforce recruitment and retention; (d) sustainability; (e) health information technology; (f) network development; and (g) health related clinical measures. Several measures will be used for all six programs. All measures will speak to the ORHP's progress toward meeting the goals set.

Summary of Prior Comments and Agency Response: A 60-day **Federal Register** Notice was published in the **Federal Register** on March 10, 2014 (see 79 FR13311–12). One comment was received requesting a copy of the data collection plans and draft instruments that are referenced in the 60-day **Federal Register** notice for Rural Health Care Services Outreach Grant Program (Outreach); Rural Health Network Development Grant Program (Network Development); Small Healthcare Provider Quality Grant Program (Quality); and Rural Health Network Development Planning Grant Program (Network Planning). HRSA provided the draft instruments on March 12, 2014, via email.

Likely Respondents: Award recipients of the programs under the Section 330A of the Public Health Service Act.

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.

Grant program	Number of respondents	Number of responses per respondent	Total responses	Average burden per response	Total hour burden
Rural Health Care Services Outreach Grant Program	71	1	71	2.00	142.0
Rural Health Network Development	20	1	20	4.00	80.0
Delta States Rural Development Network Grant Program	12	1	12	6.00	72.0
Small Health Care Provider Quality Improvement Grant Program	30	1	30	7.25	217.5
Network Development Planning Grant Program	21	1	21	3.00	63.0
Total	154		154		574.5

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: May 29, 2014.

Jackie Painter,

Deputy Director, Division of Policy and Information Coordination.

[FR Doc. 2014–13003 Filed 6–3–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Discretionary Grant Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Class Deviation from Competition Requirements for the Maternal and Child Health Bureau's (MCHB) Family-to-Family Health Information Centers (F2F HIC) Program (H84).

SUMMARY: HRSA will be issuing non-competitive awards under the F2F HIC program. Approximately $5 million will be made available in the form of a grant to current grantees (see below) covering the period of 6/1/2014–5/31/2015. This will provide for an extension of the program, as provided for in Section 1203 of the Pathway for SGR Reform Act of 2013 (Pub. L. 113–67) and Section 207 of the Protecting Access to Medicare Act of 2014 (Pub. L. 113–93) with the least disruption to the states, communities, and constituencies that currently receive assistance and services from these grantees.

SUPPLEMENTARY INFORMATION:

Intended Recipients of the Awards: The 51 incumbent grantees of record (listed below).

Amount of the Non-Competitive Awards: Up to $95,700 per grantee.

CFDA Number: 93.504.

Period of Supplemental Funding: 6/1/2014–5/31/2015.

Authority: Section 501(c)(1) of the Social Security Act, as amended.

Justification: The F2F HIC program provides grants to family-run/staffed organizations to ensure families of children with special health care needs have access to adequate information about health and community resources to facilitate informed and shared decision-making around their children's

health care. F2F HICs were originally authorized under the Budget Deficit Reduction Act of 2005 (Pub. L. 109–171). Congress specified that there be a family-run/staffed center in each state and the District of Columbia that, among other tasks, assists families of children with special health care needs to make informed choices about health care in order to promote good treatment decisions, cost effectiveness, and improved health outcomes; and provides information and educational opportunities for families, their health professionals, schools, and other appropriate entities. The earlier law was later amended by the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), which made funding available until fiscal year (FY) 2012. Section 624 of the American Taxpayers Relief Act of 2013 (Pub. L. 112–240) extended the F2F HICs through fiscal year (FY) 2013 with the F2F HIC program scheduled to end on May 31, 2014. As the F2F HIC project period quickly approached and continued funding was not provided in the President's Budget of FY 2014, the MCHB prepared for closeout of the program.

On December 26, 2013, Section 1203 of the Pathway for SGR Reform Act of 2013 (SGR Reform Act) (Pub. L. 113–67) extended the F2F HICs with $2.5 million for a portion of FY 2014. Additionally, on April 1, 2014, Section 207 of the Protecting Access to Medicare Act of 2014 (Access to Medicare) (Pub. L. 113–93) extended this program with $2.5 million for the remainder of FY 2014 and $2.5 million for a portion of FY 2015.

Under typical circumstances, the project period for the grantees would end on May 31, 2014, and a robust competitive process would take place. However, taking into account the timing of congressional action on SGR Reform within the current fiscal year, MCHB would not have sufficient time to conduct a robust competition and appropriately enact the legislation. MCHB proposes to extend the project periods of these grants by 12 months to properly respond to direction of the F2F HIC program's extension, enacted in the SGR Reform Act and the Access to Medicare Act. This will provide sufficient fiscal resources to continue programmatic activities as outlined in program authorization with the least disruption to the states, communities, and MCHB constituencies that currently receive assistance and services from these grantees. Delaying the competition until FY 2015 ensures continuity of funding for all eligible entities, with no eligible entity being adversely impacted by the extension.

FOR FURTHER INFORMATION CONTACT: LaQuanta Smalley, Integrated Services Branch, Division of Services for Children with Special Health Needs, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 13–61, Rockville, MD 20857; (301) 443–2372; *lsmalley@hrsa.gov.*

MATERNAL AND CHILD HEALTH BUREAU SELECTED GRANT PROGRAMS EXTENSIONS WITH FUNDING

Grantee/organization name	Grant No.	State	FY 2014 authorized funding level	Revised project end date
Stone Soup Group	H84MC12893	AK	$95,700	31-May-2015
Family Voices of Alabama Inc	H84MC12901	AL	95,700	31-May-2015
Arkansas Disability Coalition	H84MC12900	AR	95,700	31-May-2015
Raising Special Kids	H84MC07942	AZ	95,700	31-May-2015
Support for Families of Children w/Disabilities	H84MC07943	CA	95,700	31-May-2015
Colorado Nonprofit Development Center	H84MC15142	CO	95,700	31-May-2015
PATH Parent to Parent/Family Voices of CT	H84MC21663	CT	95,700	31-May-2015
Advocates for Justice and Education, Inc	H84MC21661	DC	95,700	31-May-2015
Delaware Family Voices, Inc	H84MC21662	DE	95,700	31-May-2015
Family Network on Disabilities of Florida, Inc	H84MC21660	FL	95,700	31-May-2015
Parent to Parent of Georgia, Inc	H84MC07947	GA	95,700	31-May-2015
Hawaii Pediatric Association Research & Education Foundation	H84MC07999	HI	95,700	31-May-2015
ASK Resource Center	H84MC24065	IA	95,700	31-May-2015
Idaho Parents Unlimited Inc	H84MC12896	ID	95,700	31-May-2015
The Arc of Illinois	H84MC06873	IL	95,700	31-May-2015
Family Voices Indiana	H84MC21659	IN	95,700	31-May-2015
Families Together, Inc	H84MC09487	KS	95,700	31-May-2015
Commission for CSHCN	H84MC12897	KY	95,700	31-May-2015
Bayou Land Families Helping Families	H84MC08043	LA	95,700	31-May-2015
Federation for Children with Special Needs	H84MC08005	MA	95,700	31-May-2015
The Parent's Place of Maryland	H84MC07946	MD	95,700	31-May-2015
Maine Parent Federation	H84MC00003	ME	95,700	31-May-2015
Michigan Public Health Institute	H84MC26214	MI	95,700	31-May-2015
PACER Center, Inc	H84MC00005	MN	95,700	31-May-2015
Curators, University of Missouri	H84MC09484	MO	95,700	31-May-2015
University of Southern Mississippi	H84MC07948	MS	95,700	31-May-2015
Parent's Let's Unite for Kids	H84MC09367	MT	95,700	31-May-2015
Exceptional Children's Assistance Center	H84MC08000	NC	95,700	31-May-2015
Family Voices of North Dakota, Inc	H84MC07992	ND	95,700	31-May-2015
PTI Nebraska	H84MC08009	NE	95,700	31-May-2015
NH Coalition for Citizens w/Disabilities	H84MC09488	NH	95,700	31-May-2015
Statewide Parent Advocacy Network of NJ	H84MC07997	NJ	95,700	31-May-2015
Parents Reaching Out to Help	H84MC08007	NM	95,700	31-May-2015
Family TIES of Nevada, Inc	H84MC08001	NV	95,700	31-May-2015
Parent to Parent of NYS	H84MC08006	NY	95,700	31-May-2015
Family Voices of Ohio	H84MC12903	OH	95,700	31-May-2015
The Oklahoma Family Network, Inc	H84MC09368	OK	95,700	31-May-2015
Oregon Health and Science University	H84MC21658	OR	95,700	31-May-2015
Parent Education & Advocacy Leadership Center	H84MC07998	PA	95,700	31-May-2015
Rhode Island Parent Information Network, Inc	H84MC08002	RI	95,700	31-May-2015

MATERNAL AND CHILD HEALTH BUREAU SELECTED GRANT PROGRAMS EXTENSIONS WITH FUNDING—Continued

Grantee/organization name	Grant No.	State	FY 2014 authorized funding level	Revised project end date
Family Connection of South Carolina, Inc	H84MC12895	SC	95,700	31-May-2015
South Dakota Parent Connection, Inc	H84MC07994	SD	95,700	31-May-2015
Tennessee Disability Coalition	H84MC00004	TN	95,700	31-May-2015
Texas Parent to Parent	H84MC07993	TX	95,700	31-May-2015
Utah Parent Center	H84MC07996	UT	95,700	31-May-2015
Virginia Commonwealth University	H84MC09486	VA	95,700	31-May-2015
Vermont Family Network	H84MC21657	VT	95,700	31-May-2015
Washington PAVE	H84MC09369	WA	95,700	31-May-2015
Family Voices of Wisconsin, Inc.	H84MC21690	WI	95,700	31-May-2015
West Virginia Parent Training and Information, Inc.	H84MC12898	WV	95,700	31-May-2015
University of Wyoming	H84MC24069	WY	95,700	31-May-2015

Dated: May 29, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–13005 Filed 6–3–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Understanding Barriers and Facilitators to Type 1 Diabetes Management in Adults (DP3).

Date: July 1, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies to the RIVUR.

Date: July 2, 2014.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–12–265 Ancillary Studies: Bone Health in Diabetes.

Date: July 3, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Improving Diabetes Management in Young Children with Type 1 Diabetes (DP3).

Date: July 21, 2014.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIIDDK—Telephone SEP.

Date: July 22, 2014.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS).

Dated: May 29, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12893 Filed 6–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Musculoskeletal Rehabilitation Sciences.
Date: June 17, 2014.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Genomic Underpinnings of Response to Rehabilitation Interventions.
Date: June 25, 2014.
Time: 11:30 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.
Date: June 26, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Dupont Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.
Contact Person: Reed A Graves, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 402–6297, *gravesr@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Diseases and Pathophysiology of the Visual System Study Section.
Date: June 26–27, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.
Contact Person: Nataliya Gordiyenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301.435.1265, *gordiyenkon@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Brain Injury and Neurovascular Pathologies Study Section.
Date: June 26–27, 2014.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108,.
Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Dermatology, Rheumatology and Inflammation.
Date: June 27, 2014.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Marriott Courtyard Gaithersburg Washingtonian Ctr, 204 Boardwalk Place, Gaithersburg, MD 20878.
Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Development of Appropriate Pediatric Formulations and Pediatric Drug Delivery System.
Date: June 27, 2014.
Time: 12:30 p.m. to 3:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular and Respiratory Sciences.
Date: June 30, 2014.
Time: 9:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Olga A Tjurmina, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 451–1375, *ot3d@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Area: Digestive Area Grant.
Date: June 30, 2014.
Time: 11:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call)
Contact Person: Mushtaq A Khan, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2176, MSC 7818, Bethesda, MD 20892, 301–435–1778, *khanm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Resource: Bio-Organic Biomedical Mass Spectrometry.
Date: June 30–July 2, 2014.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Courtyard San Francisco Downtown, 299 Second Street at Folsom, San Francisco, CA 94105.
Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: May 29, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12895 Filed 6–3–14; 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; AREA: Oncological Sciences Grant Applications.
Date: June 24, 2014.
Time: 11:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Sally A Mulhern, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–5877, *mulherns@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group; Drug Discovery and Mechanisms of Antimicrobial Resistance Study Section.

Date: June 26–27, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Guangyong Ji, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, MSC 7808, Bethesda, MD 20892, 301–435–1146, *jig@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 29, 2014.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–12894 Filed 6–3–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0120]

Agency Information Collection Activities: Free Training for Civics and Citizenship of Adults, Form G–1190; Civics and Citizenship Toolkit, Form OMB–58; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until August 4, 2014.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0120 in the subject box, the agency name and Docket ID USCIS–2011–0001. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2011–0001;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Free Training for Civics and Citizenship of Adults; Civics and Citizenship Toolkit.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1190, OMB–58; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information is necessary to register for civics and citizenship of adults training and to obtain a civics and citizenship toolkit.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Civics and Citizenship Toolkit: 1,200 responses at 10 minutes (.166 hours) per response. Training for Civics and Citizenship of Adults: 1,100 responses at 10 minutes (.166 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 383 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: May 29, 2014.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2014–12968 Filed 6–3–14; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2014–N101; FXES11130100000–145–FF01E00000]

Endangered and Threatened Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for recovery permits to conduct activities with the purpose of enhancing the survival of endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

DATES: To ensure consideration, please send your written comments by July 7, 2014.

ADDRESSES: Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies, and the public to comment on the following applications. Please refer to the appropriate permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

Permit Number: TE–017352

Applicant: Commonwealth of the Northern Mariana Islands, Division of Fish and Wildlife, Saipan, MP.

The applicant requests renewal of an expired permit to take (survey) Mariana crows (*Corvus kubaryi*); take (survey, capture, handle, band, attach transmitters, collect tissue samples; and release) nightingale Reed-warblers (*Acrocephalus luscinia*); and to take (monitor, excavate nests, capture, handle, attach transmitters, collect tissue samples and release) Hawksbill sea turtles (*Eretmochelys imbricata*) in conjunction with scientific research in the Commonwealth of the Northern Mariana Islands and for the purpose of enhancing the species' survival.

Permit Number: TE–702631

Applicant: Assistant Regional Director, Ecological Services, Fish and Wildlife Service, Pacific Region, Portland, Oregon.

The permittee requests an amendment to their recovery permit to allow Service employees, and their designated agents, to take four subspecies of the Mazama pocket gopher: Olympia pocket gopher (*Thomomys mazama pugetensis*), Roy Prairie pocket gopher (*T. m. glacialis*), Tenino pocket gopher (*T. m. tumuli*), and Yelm pocket gopher (*T. m. yelmensis*). The purpose of these activities is to carry out recovery activities for scientific purposes or for enhancing the species' propagation or survival in Washington State.

Permit Number: TE–826600

Applicant: Michael G. Hadfield, Honolulu, Hawaii.

The permittee requests a permit amendment to take (survey, capture, handle, mark, release, recapture, collect tissue samples, and captive breed) the Lanai tree snail (*Partulina variabilis* and *Partulina semicarinata*) and Newcomb's tree snail (*Newcombia cumingi*) in conjunction with gathering ecological and life history data, and re-establishing wild populations in Hawaii for the purpose of enhancing the species' survival.

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: May 27, 2014.

Richard Hannan,

Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2014–12845 Filed 6–3–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–EA–2014–N075; FF09D00000–FXGO1664091HCC0–145]

Wildlife and Hunting Heritage Conservation Council; Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a public meeting of the Wildlife and Hunting Heritage Conservation Council (Council). The Council provides advice about wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, the sporting conservation organizations, the states, Native American tribes, and the Federal Government; and benefit recreational hunting.

DATES: *Meeting:* Tuesday June 17, 2014, from 8 a.m. to 5 p.m., and Wednesday

June 18, 2014, from 8 a.m. to 1 p.m. (MDT). For deadlines and directions on registering to attend, submitting written material, and giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meeting will be held in Cody, Wyoming, at the Best Western Ivy Inn and Suites, located at 1800 8th Street, Cody, Wyoming 82414.

FOR FURTHER INFORMATION CONTACT: Joshua Winchell, Council Coordinator, 4401 North Fairfax Drive, Mailstop 3103–AEA, Arlington, VA 22203; telephone (703) 358–2639; fax (703) 358–2548; or email *joshua_winchell@fws.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that Wildlife and Hunting Heritage Conservation Council will hold a meeting.

Background

Formed in February 2010, the Council provides advice about wildlife and habitat conservation endeavors that:

1. Benefit wildlife resources;
2. Encourage partnership among the public, the sporting conservation organizations, the states, Native American tribes, and the Federal Government;
3. Benefit recreational hunting.

The Council advises the Secretary of the Interior and the Secretary of Agriculture, reporting through the Director, U.S. Fish and Wildlife Service (Service), in consultation with the Director, Bureau of Land Management (BLM); Director, National Park Service (NPS); Chief, Forest Service (USFS); Chief, Natural Resources Service (NRCS); and Administrator, Farm Services Agency (FSA). The Council's duties are strictly advisory and consist of, but are not limited to, providing recommendations for:

1. Implementing the Recreational Hunting and Wildlife Resource Conservation Plan—A Ten-Year Plan for Implementation;
2. Increasing public awareness of and support for the Wildlife Restoration Program;
3. Fostering wildlife and habitat conservation and ethics in hunting and shooting sports recreation;
4. Stimulating sportsmen and women's participation in conservation and management of wildlife and habitat resources through outreach and education;
5. Fostering communication and coordination among State, tribal, and Federal governments; industry; hunting and shooting sportsmen and women; wildlife and habitat conservation and management organizations; and the public;
6. Providing appropriate access to Federal lands for recreational shooting and hunting;
7. Providing recommendations to improve implementation of Federal conservation programs that benefit wildlife, hunting, and outdoor recreation on private lands; and
8. When requested by the Designated Federal Officer in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups.

Background information on the Council is available at *http://www.fws.gov/whhcc.*

Meeting Agenda

The Council will convene to consider issues including:

1. Land and Water Conservation Fund;
2. Funding for public and private lands conservation.
3. Other Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/whhcc.*

PUBLIC INPUT

If you wish to	You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than
Attend the meeting	June 6, 2014.
Submit written information or questions before the meeting for the council to consider during the meeting.	June 6, 2014.
Give an oral presentation during the meeting.	June 6, 2014.

Attendance

To attend this meeting, register by close of business on the dates listed in ''Public Input'' under **SUPPLEMENTARY INFORMATION**. Please submit your name, time of arrival, email address, and phone number to the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Written Information or Questions

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. Written statements must be received by the date above, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

Giving an Oral Presentation

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Coordinator up to 30 days subsequent to the meeting.

Meeting Minutes

Summary minutes of the conference will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**). They will be available for public inspection within 90 days of the meeting, and will be posted on the Council's Web site at *http://www.fws.gov/whhcc.*

Stephen Guertin,

Director.

[FR Doc. 2014–12900 Filed 6–3–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2013–N274; FXFR13350900000–134–FF09F14000]

Voluntary Guidelines To Prevent the Introduction and Spread of Aquatic Invasive Species; Recreational Activities and Water Gardening

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of final documents.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of two final documents for public outreach use:

- *Voluntary Guidelines to Prevent the Introduction and Spread of Aquatic Invasive Species: Recreational Activities*

- *Voluntary Guidelines to Prevent the Introduction and Spread of Aquatic Invasive Species: Water Gardening*

These voluntary guidelines are intended to be used by agencies and organizations to develop materials that inform the public and industry about the risks associated with many everyday activities that may spread aquatic invasive species and harm the environment and the economy. The intent of this information is to encourage the public and industry to take precautions to limit the spread of aquatic invasive species.

ADDRESSES: *Obtaining Documents:* The two documents may be obtained online, by mail, or by email:

- *Online: http://anstaskforce.gov/documents.php;*
- *U.S. mail:* U.S. Fish and Wildlife Service, Branch of Aquatic Invasive Species, 4401 N. Fairfax Drive, Room 740, Arlington, VA 22203; or
- *Email: Laura_Norcutt@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Laura Norcutt, 703–358–2398.

SUPPLEMENTARY INFORMATION:

Background

Through provisions in title 50, part 16, of the Code of Federal Regulations (CFR), the U.S. Fish and Wildlife Service (Service) regulates the importation and interstate transport of certain aquatic invasive species that have been determined to be injurious. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) established the Aquatic Nuisance Species Task Force (ANSTF), an intergovernmental organization co-chaired by the Service and the National Oceanic and Atmospheric Administration and dedicated to the development and implementation of a program for U.S. waters to prevent introduction and disposal of aquatic invasive species (AIS); to monitor, control, and study such species; and to disseminate related information. In 2000, the ANSTF developed *Recommended Voluntary Guidelines for Preventing the Spread of Aquatic Nuisance Species Associated with Recreational Activities* and announced the availability of the guidelines via a **Federal Register** notice (65 FR 82447; December 28, 2000).

Development of Draft Guidelines Documents

In 2011, the ANSTF established committees to revise the *Recommended Voluntary Guidelines for Preventing the Spread of Aquatic Nuisance Species Associated with Recreational Activities* and to develop new guidelines that would prevent the spread of aquatic invasive species by water gardening. The goal of the two committees was to develop clear, easy-to-use standardized national guidelines that are easily communicated to user groups and can be incorporated into education and outreach media. An additional benefit to recreationists and water gardeners who follow these guidelines is to avoid possible violation of Federal, Tribal, and State laws that prohibit the transport of aquatic invasive species. Public comment was requested via a **Federal Register** notice (78 FR 39310; July 1, 2013). Comments were addressed, and the documents were modified accordingly. There were no substantive comments.

Recreational Activities

The revised document, *Voluntary Guidelines to Prevent the Introduction and Spread of Aquatic Invasive Species: Recreational Activities* will provide guidance to agencies, organizations, and the public on preventing the spread of aquatic invasive species through activities such as angling, boating, scuba diving, waterfowl hunting, and operating seaplanes.

Water Gardening

The *Voluntary Guidelines to Prevent the Introduction and Spread of Aquatic Invasive Species: Water Gardening* will provide guidelines to address the potential spread of aquatic invasive species by water gardening to be used by agencies, organizations, and the public for education and outreach.

Availability of Documents

The two sets of guidelines are available on the ANSTF Web site, by U.S. mail from the Service or by email (see **ADDRESSES**) for public outreach use.

Dated: May 20, 2014.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2014–12977 Filed 6–3–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY–957000–14–L13100000–PP0000]

Filing of Plats of Survey, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) has filed the plats of survey of the lands described below in the BLM Wyoming State Office, Cheyenne, Wyoming, on the dates indicated.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, Wyoming 82003.

SUPPLEMENTARY INFORMATION: These surveys, supplemental and remonumentations were executed at the request of the Bureau of Land Management, the Bureau of Indian Affairs and the U. S. Forest Service and are necessary for the management of resources. The lands surveyed are:

The plat and field notes representing the dependent resurvey of portions of the subdivisional lines, the survey of the subdivision of certain sections, and the survey of portions of the Fortification Creek Wilderness Study Area boundary, Township 52 North, Range 76 West, Sixth Principal Meridian, Wyoming, Group No. 866, was accepted January 24, 2014.

The supplemental plat showing the subdivision of Lot 3, Sec. 19, into new Lots 5 and 6, Sec. 19, is based on a survey executed under state authority in May, 2013, by David A. Fehringer, Wyoming Professional Engineer and Land Surveyor No. 10052, CFedS No. 1369. A plat of this survey, titled ''HOMESITE ALLOTMENT SURVEY T3021–E4 INEZ RAJO'' was recorded in the Fremont County Clerk's Office, on December 19, 2013, Document No. 2013–1368411, Plat Cabinet 8, Page 95, Township 2 North, Range 5 East, Wind River Meridian, Wyoming, Group No. 902, was accepted January 24, 2014.

The field notes representing the remonumentation of certain mile posts of the Wyoming-Colorado State Boundary, through Range 84 West and the 1/4 sec. cor. of secs. 16 and 17, Township 12 North, Range 84 West, Sixth Principal Meridian, Wyoming, Group No. 624, was accepted February 20, 2014.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of section 32, Township 21 North, Range 88 West, Sixth Principal Meridian, Wyoming, Group No. 856, was accepted February 20, 2014.

The plat and field notes representing the dependent resurvey of portions of the Fifth Standard Parallel North, through Range 86 West, the east and west boundaries and the subdivisional lines, and the survey of the subdivision of section 24, Township 21 North, Range 86 West, Sixth Principal Meridian, Wyoming, Group No. 857, was accepted February 20, 2014.

The plat and field notes representing the dependent resurvey of portions of the north boundary, a portion of the subdivisional lines, the survey of the subdivision of sections 4 and 5, and the survey of portions of the Fortification Creek Wilderness Study Area boundary, Township 51 North, Range 76 West, Sixth Principal Meridian, Wyoming, Group No. 871, was accepted February 20, 2014.

The plat and field notes representing the dependent resurvey of a portion of the Ninth Auxiliary Meridian West, through Township 52 North, between Ranges 76 and 77 West, a portion of Tract Nos. 46 and 81, portions of the subdivisional lines, the survey of the subdivision of sec. 12, and the survey of a portion of the Fortification Creek Wilderness Study Area boundary, Township 52 North, Range 77 West, Sixth Principal Meridian, Wyoming, Group No. 872, was accepted March 19, 2014.

The plat and field notes representing the dependent resurvey of portions of the Fourth Standard Parallel North, through Range 72 West, and the subdivisional lines, Township 16 North, Range 72 West, Sixth Principal Meridian, Wyoming, Group No. 874, was accepted March 19, 2014.

The plat and field notes representing the dependent resurvey of portions of the west boundary and the subdivisional lines, and the survey of the subdivision of sections 17 and 19, Township 16 North, Range 95 West, Sixth Principal Meridian, Wyoming, Group No. 876, was accepted March 19, 2014.

The plat and field notes representing the dependent resurvey of a portion of the north boundary and the subdivisional lines, and the survey of the subdivision of sections 11 and 17, Township 23 North, Range 94 West, Sixth Principal Meridian, Wyoming, Group No. 867, was accepted May 15, 2014.

The plat and field notes representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, and the survey of the subdivision of section 12, and the metes-and-bounds survey of Lot 1, section 12, Township 20 North, Range 71 West, Sixth Principal Meridian, Wyoming, Group No. 887, was accepted May 15, 2014.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of certain sections, Township 27 North, Range 83 West, Sixth Principal Meridian, Wyoming, Group No. 888, was accepted May 15, 2014.

The plat and field notes representing the corrective dependent resurvey of a portion of the north boundary, Township 43 North, Range 93 West, Sixth Principal Meridian, Wyoming, Group No. 898, was accepted May 15, 2014.

Copies of the preceding described plats and field notes are available to the public at a cost of $1.10 per page.

Dated: May 28, 2014.

John P. Lee,

Chief Cadastral Surveyor, Division of Support Services.

[FR Doc. 2014–12898 Filed 6–3–14; 8:45 am]

BILLING CODE 4310–22–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–505 and 731–TA–1231–1237 (Final)]

Grain-Oriented Electrical Steel (''GOES'') From China, Czech Republic, Germany, Japan, Korea, Poland, and Russia; Scheduling of the Final Phase of Countervailing Duty and Antidumping Investigations.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–505 and 731–TA–1231–1237 (Final) under sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of GOES that are subsidized by the Government of China and by imports of GOES from China, Czech Republic, Germany, Japan, Korea, Poland, and Russia that are sold at less than fair value, provided for in subheadings 7225.11.00, 7226.11.10, and 7226.11.90 of the Harmonized Tariff Schedule of the United States.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

DATES: *Effective Date:* May 9, 2014.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. § 1671b) are being provided to manufacturers, producers, or exporters in China of GOES, and that such products imported from China, Czech Republic, Germany, Japan, Korea, Poland, and Russia are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigations were requested in a petition filed on September 18, 2013, by AK Steel Corporation, West Chester, Ohio; Allegheny Ludlum, LLC, Pittsburgh, Pennsylvania; and the United Steelworkers, Pittsburgh, Pennsylvania.

Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as ''GOES, which is a flat-rolled alloy steel product containing by weight at least 0.6 percent but not more than 6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, in coils or in straight lengths . . . Excluded are flat-rolled products not in coils that, prior to importation into the United States, have been cut to a shape and undergone all punching, coating, or other operations necessary for classification in Chapter 85 of the HTSUS as a transformer part (i.e., laminations).''

Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. § 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on July 10, 2014, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on July 24, 2014, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 17, 2014. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held (if deemed necessary) on July 18, 2014. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is July 17, 2014. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 31, 2014. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before July 17, 2014. On August 20, 2014, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 22, 2014, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's Web site at *http://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Dated: May 30, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–12910 Filed 6–3–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–515–521 and 731–TA–1251–1257 (Preliminary)]

Certain Steel Nails From India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–515 and 731–TA–1251 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam of certain steel nails, provided for in subheading 7317.00.55, 7317.00.65 and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Governments of India, Korea, Malaysia, Oman, Taiwan, Turkey, and Vietnam and are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case, by July 14, 2014. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 21, 2014.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and

Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* May 29, 2014.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187, *fred.ruggles@usitc.gov*), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on May 29, 2014, by Mid Continent Nail Corporation (Poplar Bluff, MO).

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on June 19, 2014, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.Bishop@usitc.gov* and *Sharon.Bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before June 17, 2014. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 24, 2014, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at *http://edis.usitc.gov*.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 29, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–12854 Filed 6–3–14; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–916]

Certain Non-Volatile Memory Chips and Products Containing the Same 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 29, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Spansion LLC of Sunnyvale, California. A supplement to the complaint was filed on May 9, 2014. The 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 non-volatile memory chips and products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,246,611 (''the '611 patent''); U.S. Patent No. 6,744,666 (''the '666 patent''); U.S. Patent No. 6,399,446 (''the '446 patent''); and U.S. Patent 6,436,766 (''the '766 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

ADDRESSES: The 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 complaint, the U.S. International Trade Commission, on May 29, 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 non-volatile memory chips and products containing the same by reason of infringement of one or more of claims 1–7 and 9–13 of the '611 patent; claims 1, 3–5, 8, and 10–13 of the '666 patent; claims 1, 5–12, 15–17, 20, and 21 of the '446 patent; and claims 1, 4–11, 13–15, 17, 18, and 22 of the '766 patent, and whether an industry in the United States exists or is in the process of being established 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 complainant is: Spansion LLC, 915 DeGuigne Drive, Sunnyvale, CA 94085.

(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:

Macronix International Co., Ltd., No. 16, Li-Hsin Road, Science Park, Hsin-chu, Taiwan
Macronix America, Inc., 680 North McCarthy Boulevard, Suite 200, Milpitas, CA 95035
Macronix Asia Limited, NKF Bldg. 5F, 1–2 Higashida-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa Pref. 210–0005, Japan
Macronix (Hong Kong) Co., Ltd., 702–703, 7/F, Building 9, Hong Kong Science, Park, 5 Science Park West Avenue, Sha Tin, N.T., Hong Kong
Acer Inc., 8F, 88, Sec. 1, Xintai 5th Road, Xizhi, New Taipei City 221, Taiwan
Acer America Corporation, 333 West San Carlos Street, Suite 1500, San Jose, CA 95110
ADT Corporation, 1501 Yamato Road, Boca Raton, FL 33431
Amazon.com, Inc., 410 Terry Avenue North, Seattle, WA 98109
ASRock Inc., 2F No. 37, Sec. 2, Jhongyang S. Road, Beitou District, Taipei City 112, Taiwan
ASRock America, Inc., 13848 Magnolia Avenue, Chino, CA 91710
ASUSTek Computer Inc., No. 15, Li-Te Road, Beitou District, Taipei 112, Taiwan
ASUS Computer International, 800 Corporate Way, Fremont, CA 94539
Belkin International, Inc., 12045 E. Waterfront Drive, Playa Vista, CA 90094
D-Link Corporation, No. 289, Sinhu 3rd Road, Neihu District, Taipei City, 114, Taiwan
D-Link Systems, Inc., 17595 Mt. Herrmann Street, Fountain Valley, CA 92708
Leap Motion, Inc., 333 Bryant Street, Suite LL150, San Francisco, CA 94107
Lowe's Companies, Inc., 1000 Lowes Boulevard, Mooresville, NC 28117
Lowe's Home Centers, Inc., 1605 Curtis Bridge Road, Wilkesboro, NC 28117
Microsoft Corp., One Microsoft Way, Redmond, WA 98052
Nintendo Co., Ltd., 11–1 Kamitobo-hokotate-cho, Minami-ku, Kyoto, Japan
Nintendo of America, Inc., 4600 150th Avenue NE., Redmond, WA 98052
Sercomm Corporation, 8F, No. 3–1, Yuan Qu St., Nan Kang, Taipei 115, Taiwan
Vonage Holdings Corp., 23 Main Street, Holmdel, NJ 07733
Vonage America Inc., 23 Main Street, Holmdel, NJ 07733
Vonage Marketing LLC, 23 Main Street, Holmdel, NJ 07733

(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 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 complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the 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 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.

By order of the Commission.

Dated: May 29, 2014.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2014–12903 Filed 6–3–14; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0340]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Equal Employment Opportunity Plan Certification and Utilization Report

AGENCY: The Office for Civil Rights, Office of Justice Programs, Department of Justice

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 62, page

18314, on April 1, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until July 7, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact George Mazza, Senior Counsel, Office for Civil Rights, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection 1117–0043

(1) Type of Information Collection: Reinstatement, with no change, of a previously approved collection for which approval has expired.

(2) Title of the Form/Collection: Equal Employment Opportunity Plan Certification and Utilization Report.

(3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: The Office for Civil Rights, Office of Justice Programs, United States Department of Justice, is sponsoring the collection.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: State, and local, government instrumentalities. Other: For-profit Institutions. 28 CFR 42.301 et seq. authorizes the Department of Justice to collect information regarding employment practices from State or Local units of government, agencies of State and Local governments, and Private entities, institutions or organizations to which OJP, COPS or OVW extend Federal financial assistance. OJP components include the Bureau of Justice Assistance (BJA), Office for Victims of Crime (OVC), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), and the Office of Sexual Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office).

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: It is estimated that 255,000 respondents will respond annually, taking 5 minutes to complete each form.

(6) An estimate of the total public burden (in hours) associated with the collection: For the 6371 respondents, the total estimated burden hours on respondents would be 2,560 to complete the EEOP Utilization Report or Certification.

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 29, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–12837 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–CW–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested;

AGENCY: Executive Office for Immigration Review, Department of Justice Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1 *Type of Information Collection:* Revision and extension of a currently approved collection.

2 *The Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–27, Executive Office for Immigration Review, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Attorneys or representatives notifying the Board of Immigration Appeals (Board) that they are representing a party in proceedings before the Board. Other: None. Abstract: This information collection is necessary to allow an attorney or representative to notify the Board that he or she is representing a party before the Board.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 26,544 respondents will complete the form annually with an average of 6 minutes per response.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2,654 hours. It is estimated that respondents will take 6 minutes to complete the form.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: May 29, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–12835 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until August 4, 2014.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Executive Office for Immigration Review, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This information collection:

1 *Type of Information Collection:* Revision and extension of a currently approved collection.

2 *The Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–28, Executive Office for Immigration Review, United States Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Attorneys and qualified representatives notifying the Immigration Court that they are representing an alien in immigration proceedings. Other: None. Abstract: This information collection is necessary to allow an attorney or representative to notify the Immigration Court that he or she is representing an alien before the Immigration Court.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 179,856 respondents will complete the form annually with an average of 6 minutes per response.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 17,985 hours. It is estimated that respondents will take six minutes to complete the form.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: May 29, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–12836 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Actavis Pharma, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons

may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on March 20, 2014, Actavis Pharma, Inc., 2455 Wardlow Road, Corona, California 92880–2882, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II

The company plans to import the listed controlled substances for analytical testing and clinical trials.

The import of the above listed basic classes of controlled substances will be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished Food and Drug Administration approved or non-approved dosage form for commercial distribution in the United States.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12976 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Penick Corporation

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on February 26, 2014, Penick Corporation, 33 Industrial Park Road, Pennsville, New Jersey 08070, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances to manufacture bulk controlled substance intermediates for sale to its customers.

Comments and requests for any hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12962 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mylan Technologies, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR pt. 0, subpt. R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on December 12, 2013, Mylan Technologies, Inc., 110 Lake Street, Saint Albans, Vermont 05478, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled Substance	Schedule
Methylphenidate (1724)	II

Controlled Substance	Schedule
Fentanyl (9801)	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically-manufactured FDF to foreign markets.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12945 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Akorn, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on April 30, 2014, Akorn, Inc., 1222 W. Grand Avenue, Decatur, Illinois 62522, applied to be registered as an importer of Remifentanil (9739), a basic class controlled substance listed in schedule II.

The company plans to import Remifentanil in bulk for use in dosage form manufacturing.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12940 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Rhodes Technologies

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on March 12, 2014, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances in order to bulk manufacture controlled substances in Active Pharmaceutical Ingredient (API) form. The company distributes the manufactured APIs in bulk to its customers.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12950 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Arizona Department of Corrections

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic class, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances

(other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR pt. 0, subpt. R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on March 31, 2014, Arizona Department of Corrections, ASPC-Florence, 1305 E. Butte Avenue, Florence, Arizona 85132, applied to be registered as an importer of Pentobarbital (2270), a basic class of substance listed in schedule II.

The facility intends to import the above listed controlled substance for legitimate use. Supplies of this particular controlled substance are inadequate and are not available in the form needed within the current domestic supply of the United States.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12970 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Wildlife Laboratories, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on February 17, 2014, Wildlife Laboratories, Inc., 1230 W. Ash Street, Suite D, Windsor, Colorado 80550, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Etorphine (except HCl) (9056)	I
Etorphine HCl (9059)	II

The company plans to import the listed controlled substances for sale to its customers.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12942 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: R & D Systems, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on January 3, 2014, R & D Systems, Inc., 614 McKinley Place NE., Minneapolis, Minnesota 55413, applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Mephedrone (1248)	I
1-Pentyl-3-(1-naphthoyl)indole (7118)	I
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
3,4-Methylenedioxymethamphetamine (7405)	I
Dimethyltryptamine (7435)	I
Psilocyn (7438)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II

Controlled substance	Schedule
Pentobarbital (2270)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Oxycodone (9143)	II
Thebaine (9333)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in dosage form to distribute to researchers.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for these drug codes is authorized for this registration.

The import of the above listed basic classes of controlled substances would be granted only for analytical testing and clinical trials. This authorization does not extend to the import of a finished Food and Drug Administration approved or non-approved dosage form for commercial distribution in the United States.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12963 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: SA INTL GMBH C/O., SIGMA ALDRICH CO., LLC.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before July 7, 2014. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before July 7, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.34(a), this is notice that on January 8, 2014, SA INTL GMBH C/O., Sigma Aldrich Co., LLC., 3500 Dekalb Street, St. Louis, Missouri 63118, applied to be registered as an importer of the following basic classes narcotic or non-narcotic of controlled substances:

Controlled substance	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
Mephedrone (1248)	I
N-Ethylamphetamine (1475)	I
Aminorex (1585)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
Alpha-ethyltryptamine (7249)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
3,4-Methylenedioxyamphetamine (7400)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
N-Benzylpiperazine (7493)	I
MDPV (7535)	I
Heroin (9200)	I

Controlled substance	Schedule
Normorphine (9313)	I
Etonitazene (9624)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium, powdered (9639)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances for sale to research facilities for drug testing and analysis.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for this drug code is authorized for this registration.

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

In regard to the non-narcotic raw material, any bulk manufacturer who is presently, or is applying to be, registered with the DEA to manufacture such basic classes of controlled substances listed in schedules I or II, which fall under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12955 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Stepan Company

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before August 4, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on March 17, 2014, Stepan Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607, applied to be registered as a bulk manufacturer of the following basic classes of narcotic controlled substances:

Controlled substance	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12958 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Lin Zhi International, Inc

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before August 4, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on March 27, 2014, Lin Zhi International, Inc., 670 Almanor Avenue, Sunnyvale, California 94085, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Cocaine (9041)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Morphine (9300)	II

The company plans to manufacture the listed controlled substances as bulk reagents for use in drug abuse testing.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12967 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Boehringer Ingelheim Chemical, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before August 4, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on May 2, 2014, Boehringer Ingelheim Chemical, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805–9372, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Methadone (9250)	II
Methadone Intermediate (9254)	II

The company plans to manufacture the listed controlled substances in bulk for sale to its customers for formulation into finished pharmaceuticals. In reference to Methadone Intermediate (9254), the company plans to produce Methadone HCL active pharmaceutical ingredients (APIs) for sale to its customers.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12956 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Apertus Pharmaceuticals

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before August 4, 2014.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on March 20, 2014, Apertus Pharmaceuticals, 331 Concort Drive, St. Louis, Missouri 63011, applied to be registered as a bulk manufacturer of the following basic classes of narcotic or nonnarcotic controlled substances:

Controlled substance	Schedule
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled

substances to make reference standards for distribution to their customers.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12972 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: AUSTIN PHARMA, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before August 4, 2014.

ADDRESSES: Written comments should be to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to sec. 7(g) of 28 CFR part 0, subpart R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on March 27, 2014, Austin Pharma, LLC., 811 Paloma Drive, Suite C, Round Rock, Texas 78665–2402, applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The company plans to manufacture bulk synthetic active pharmaceutical ingredients (APIs) for distribution and new product development to its customers. The company plans to bulk manufacture a synthetic tetrahydrocannabinol.

In reference to drug code 7360, the company plans to manufacture a synthetic cannabinol in bulk for sale to its customers. The controlled substance will be further synthesized to bulk manufacture a synthetic tetrahydrocannabinol (7370). No other activity for this drug code is authorized for this registration.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12944 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Cayman Chemical Company

ACTION: Notice of registration.

SUMMARY: Cayman Chemical Company applied to be registered as a manufacturer of certain basic classes of narcotic or non-narcotic controlled substances. The DEA grants Cayman Chemical Company registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated December 31, 2013, and published in the **Federal Register** on January 10, 2014, 79 FR 1889, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108, applied to be registered as a manufacturer of certain basic classes of narcotic or non-narcotic controlled substances.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cayman Chemical Company to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verified the company's compliance with state and local laws, and reviewed the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of narcotic or non-narcotic controlled substances listed:

Controlled substance	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
4-Methyl-N-methylcathinone (1248)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
JWH-250 (6250)	I
SR-18 also known as RCS-8 (7008)	I
XLR11 (7011)	I
JWH-019 (7019)	I
AKB48 (7048)	I
JWH-081 (7081)	I
SR-19 also known as RCS-4 (7104)	I
1-Pentyl-3-(1-naphthoyl)indole (7118)	I
JWH-122 (7122)	I

Controlled substance	Schedule
UR-144 (7144)	I
1-Butyl-3-(1-naphthoyl)indole (7173)	I
1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl) indole (7200)	I
AM-2201 (7201)	I
JWH-203 (7203)	I
Alpha-ethyltryptamine (7249)	I
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-.	
3-hydroxycyclohexyl]-phenol (7297)	I
5-(1,1-Dimethyloctyl)-2-[(1R,3S) 3-hydroxycyclohexyl]-phenol (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
2C-T-2 (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH-398 (7398)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
N-Benzylpiperazine (7493)	I
2C-D (7508)	I
2C-E (7509)	I
2C-H (7517)	I
2C-I (7518)	I
2C-C (7519)	I
2C-N (7521)	I
2C-P (7524)	I
2C-T-4 (7532)	I
MDPV (7535)	I
Methylone (7540)	I
AM-694 (7694)	I
Desmorphine (9055)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Tilidine (9750)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Pentobarbital (2270)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Meperidine (9230)	II
Meperidine intermediate-B (9233)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II

Controlled substance	Schedule
Sufentanil (9740)	II
Fentanyl (9801)	II

The company plans to manufacture reference standards for distribution to their research and forensics customers.

In reference to drug code 7360 (Marihuana), the company plans to bulk manufacture cannabidiol as a synthetic intermediate. This controlled substance will be further synthesized to bulk manufacture a synthetic tetrahydrocannabinol (7370). No other activity for this drug code is authorized for this registration.

No comments or objections have been received.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12952 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Noramco, Inc.

ACTION: Notice of registration.

SUMMARY: Noramco, Inc. applied to be registered as a manufacturer of certain basic classes of narcotic or non-narcotic controlled substances. The DEA grants Noramco, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated December 23, 2013, and published in the **Federal Register** on January 8, 2014, 79 FR 1390, Noramco, Inc. (GA), 1440 Olympic Drive, Athens, Georgia 30601, applied to be registered as a manufacturer of certain basic classes of narcotic or non-narcotic controlled substances.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Noramco, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verified the company's compliance with state and local laws, and reviewed the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of narcotic or non-narcotic controlled substances listed:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Dihydromorphine (9145)	I
Morphine-N-oxide (9307)	I
Codeine-N-oxide (9053)	I
Amphetamine (1100)	II
Methylphenidate (1724)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Opium tincture (9630)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

No comments or objections have been received.

Dated: May 28, 2014.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2014–12954 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP) Docket No. 1654]

Request for Nominations to the Office of Justice Programs' Science Advisory Board

AGENCY: Office of Justice Programs (OJP), DOJ.

ACTION: Notice of Request for Nominations.

SUMMARY: This notice announces that OJP is seeking nominations of individuals to serve on the OJP Science Advisory Board (''Board''). The Board was established by the Attorney General in 2010. It is chartered to provide OJP, a component of the Department of Justice, with valuable advice in the areas of science and statistics for the purpose of enhancing the overall impact and performance of its programs and activities in criminal and juvenile justice. To this end, the Board currently operates with six (6) subcommittees: National Institute of Justice (NIJ); Bureau of Justice Statistics (BJS); Office of Juvenile Justice and Delinquency Prevention (OJJDP); Bureau of Justice Assistance (BJA); Quality and Protection of Science; and Evidence Translation/ Integration.

DATES: Nominations will be accepted through August 29, 2014.

FOR FURTHER INFORMATION CONTACT: Phelan Wyrick, Designated Federal Officer (DFO), Office of the Assistant Attorney General, Office of Justice Programs, 810 7th Street Northwest, Washington, DC 20531; Phone: (202) 353–9254 [Note: this is not a toll-free number]; Email: *phelan.wyrick@usdoj.gov*.

SUPPLEMENTARY INFORMATION: To make a nomination, please contact Mr. Wyrick (see above for addresses and phone numbers). Nominations should include the name, title, affiliation, and contact information for the nominee. Resumes, statements of interest, and other relevant supporting information are welcome. Self-nominations are welcome.

The Board typically meets twice a year to brief the OJP Assistant Attorney General and the Board members on the progress of the subcommittees, discuss any recommendations they may have for consideration by the full SAB, and brief the Board on various OJP-related projects and activities. All meetings of the Board take place in Washington, DC. The Board is a federal advisory committee covered under the Federal Advisory Committee Act, and as such, meetings of the Board are open to the public. Members of the Board include scientists and practitioners with strong backgrounds of applying science in the fields of criminal justice, juvenile justice, or crime victim services. Current

Board members are completing their initial four year terms of service in 2014.

Phelan Wyrick,

Science Policy Advisor and SAB DFO, Office of the Assistant Attorney General, Office of Justice Programs.

[FR Doc. 2014–12923 Filed 6–3–14; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Overpayment Detection and Recovery Activities

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Overpayment Detection and Recovery Activities,'' 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 July 7, 2014.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201402-1205-002* (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 by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION: Contact Michel Smyth by telephone at 202–693–4129, 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 Overpayment Detection and Recovery Activities information collection. Form ETA–227 is the instrument by which the ETA collects the subject information on a quarterly basis from States. Responses to Form ETA 227 provide data on the number and amounts of fraud and nonfraud overpayments, the methods by which any overpayments were detected, the amounts and methods by which overpayments were collected, the amounts of overpayments waived and written off, the accounts receivable for the overpayments outstanding, and data on criminal/civil actions. The Federal Unemployment Tax Act and Social Security Act authorize this information collection. *See* 26 U.S.C. 3304(a)(4), 42 U.S.C. 503(a)(1), 503(a)(5).

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 1205–0187.

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 August 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 February 5, 2014 (79 FR 6923).

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 1205–0187. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Overpayment Detection Recovery Activities.

OMB Control Number: 1205–0187.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 3,180 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 29, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–12909 Filed 6–3–14; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Interstate Arrangement for Combining Employment and Wages

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment

and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Interstate Arrangement for Combining Employment and Wages,'' 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 July 7, 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=201312-1205-004* (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–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, 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 Interstate Arrangement for Combining Employment and Wages information collection. This report, Reporting Form ETA–586, provides data necessary to measure the scope and effect of the program for combining employment and wages covered under the different State laws for the purpose of determining an unemployed worker's entitlement to workers' compensation and to monitor the performance of each State's payment and wage transfer performance. Internal Revenue Code of 1986 section 3304(a)(9)(B) requires a State to provide the information covered by this ICR to the ETA.

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 1205–0029.

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 July 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 13, 2013 (78 FR 75948).

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 1205–0029. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Interstate Arrangement for Combining Employment and Wages.

OMB Control Number: 1205–0029.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 848 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 28, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–12907 Filed 6–3–14; 8:45 am]

BILLING CODE 4510–FW–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 *May 12, 2014 through May 16, 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
82,503	Ocwen Loan Servicing, LLC, Ocwen Financial Corporation, GMAC Mortgage, LLC, Residential Capital, LLC.	Waterloo, IA	February 15, 2013.

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
83,332	Engineered Products Industries, LLC, St. Clair Die Cast Division, Express Services, Inc.	St. Clair, MO.	

I hereby certify that the aforementioned determinations were issued during the period of *May 12, 2014 through May 16, 2014.* These determinations are available on the Department's Web site *doleta.gov/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 22nd day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–12915 Filed 6–3–14; 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 *May 5, 2014 through May 9, 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
83,358	Textron, Inc., Formerly Known as Beechcraft Corporation	Wichita, KS	February 15, 2013.
83,358A	Lease Workers from Butler Service, Global Contract, Professionals, IQ navigator, etc., Textron, Inc. FKA Beechcraft Corporation.	Wichita, KS	December 31, 2012.
83,359	Textron, Inc., FKA Cessna Aircraft Company, Aerotek, and Manpower	Wichita, KS	January 8, 2013.
83,359A	Leased Workers from PDS Technical Services, Textron, Inc., Cessna Aircraft Company.	Wichita, KS	December 31, 2012.
83,359B	Textron, Inc., Formerly Known as Cessna Aircraft Company, Aerotek, Manpower and PDS, etc.	Independence, KS	December 31, 2012.

I hereby certify that the aforementioned determinations were issued during the period of *May 5, 2014 through May 9, 2014.* These determinations are available on the Department's Web site *doleta.gov/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 15th day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office, of Trade Adjustment Assistance.

[FR Doc. 2014–12057 Filed 6–3–14; 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 16, 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 16, 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 22nd day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[12 TAA petitions instituted between 5/12/14 and 5/16/14]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85301	Citibank (Workers)	Warren, NJ	05/13/14	05/07/14
85302	Kimberly Carbonates LLC (Workers)	Kimberly, WI	05/13/14	05/12/14
85303	Alpha Technologies (State/One-Stop)	Howell, MI	05/14/14	05/13/14
85304	Keener Kitchen Mfg. Co. (Workers)	Red Lion, PA	05/14/14	05/13/14
85305	Honeywell Aerospace (Workers)	Poway, CA	05/14/14	05/02/14
85306	OSRAM SYLVANIA (Company)	York, PA	05/14/14	05/13/14
85307	TDY Industries, LLC dba ATI Casting Service (Company)	LaPorts, IN	05/15/14	05/13/14
85308	Steri-Pharma LLC (Company)	Syracuse, NY	05/15/14	05/14/14
85309	AMRI, Inc. (Company)	North Syracuse, NY	05/15/14	05/12/14

APPENDIX—Continued

[12 TAA petitions instituted between 5/12/14 and 5/16/14]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85310	Murata Power Solutions (Company)	Mansfield, MA	05/16/14	05/16/14
85311	Lennox Industries Inc. (Company)	Marshalltown, IA	05/16/14	05/16/14
85312	Applied Materials, Inc (Workers)	Austin, TX	05/16/14	05/15/14

[FR Doc. 2014–12914 Filed 6–3–14; 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 *May 5, 2014 through May 16, 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.

None.

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.

85,161 Schiller Pfeiffer Machine Shop, Emmaus, Pennsylvania. March 14, 2013

85,200, COR–RBD LLC., Great Neck, New York. April 2, 2013

85,218, York International Corporation, York, Pennsylvania. April 1, 2013

85,219, York International Corporation, Waynesboro, Pennsylvania. March 31, 2013

85,226, Plycem USA, Inc., Terre Haute, Indiana. April 9, 2013

85,236, Stanley Furniture Young America, Robbinsville, North Carolina. April 11, 2013

85,244, Cardolite Corporation, Newark, New Jersey. April 17, 2013

85,297, Springs Window Fashions, LLC., Montgomery, Pennsylvania. February 9, 2014

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.

None.

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.

85,228, Nilfisk-Advance, Inc., Plymouth, Minnesota

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,139, Syncreon US Inc., Sterling Heights, Michigan.

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.

None.

I hereby certify that the aforementioned determinations were issued during the period of *May 5, 2014 through May 16, 2014.* These determinations are available on the Department's Web site *doleta.gov/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 22nd day of May 2014.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2014–12916 Filed 6–3–14; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL MEDIATION BOARD

Submission for OMB Review; Comment Request

AGENCY: National Mediation Board (NMB).

SUMMARY: The Acting Director, Office of Administration, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995 and 5 CFR 1320). This notice announces that the NMB has submitted to the Office of Management and Budget a request for clearance of one information collection.

DATES: Interested persons are invited to submit comments within 30 days from the date of this publication.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Office of Administration, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, e.g. new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

Currently, the National Mediation Board is soliciting comments concerning the proposed revision of the Application for Investigation of Representation Dispute and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 29, 2014.

Samantha Williams,

Acting Director, Office of Administration, National Mediation Board.

Application for Investigation of Representation Dispute

Type of Review: Revision.

Title: Application for Investigation of Representation Dispute.

OMB Number: 3140–0001.

Frequency: On occasion.

Affected Public: Carrier and Union Officials, and employees of railroads and airlines.

Reporting and Recordkeeping Hour Burden:

Responses: 68 annually.

Burden Hours: 17.00.

1. *Abstract:* When a dispute arises among a carrier's employees as to who will be their bargaining representative, the National Mediation Board (NMB) is required by Section 2, Ninth, to investigate the dispute, to determine who is the authorized representative, if any, and to certify such representative. The NMB's duties do not arise until its services have been invoked by a party to the dispute. The Railway Labor Act is silent as to how the invocation of a representation dispute is to be accomplished and the NMB has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 CFR 1203.2, provides that applications for the services of the NMB under Section 2, Ninth, to investigate representation disputes may be made on printed forms secured from the NMB's Office of Legal Affairs or on the Internet at *http://www.nmb.gov/representation/rapply.html.* The application requires the following information: the name of the carrier involved; the name or description of the craft or class involved; the name of the petitioning organization or individual; the name of the organization currently representing the employees, if any; the names of any other organizations or representatives involved in the dispute; and the estimated number of employees in the craft or class involved. This basic information is essential in providing the NMB with the details of the dispute so that it can determine what resources will be required to conduct an investigation.

This revision of this form is necessary to conform with amendments to the Railway Labor Act. In December of 2012, the NMB promulgated rules in accordance with these amendments, requiring applications to be supported by a 50 percent showing of interest. The revisions to this application include requiring applicants to indicate this 50 percent showing of interest. An additional change requires applicants to attest that submitted information is true to the best of their knowledge. Applicants will be required to complete a separate application for each craft or class. These revisions will not change the burden on the applicant in completing the form.

2. The application form provides necessary information to the NMB so that it can determine the amount of staff and resources required to conduct an investigation and fulfill its statutory responsibilities. Without this information, the NMB would have to delay the commencement of the investigation, which is contrary to the intent of the Railway Labor Act.

3. There is no improved technological method for obtaining this information. The burden on the parties is minimal in completing the ''Application for Investigation of Representation Dispute.''

4. There is no duplication in obtaining this information.

5. Rarely are representation elections conducted for small businesses. Carriers/employers are not permitted to request our services regarding representation investigations. The labor organizations, which are the typical requesters, are national in scope and would not qualify as small businesses. Even in situations where the invocation comes from a small labor organization, we believe the burden in completing the application form is minimal and that no reduction in burden could be made.

6. The NMB is required by Section 2, Ninth, to investigate the dispute, to determine who is the authorized representative, if any, and to certify such representative. The NMB has no ability to control the frequency, technical, or legal obstacles, which would reduce the burden.

7. The information requested by the NMB is consistent with the general information collection guidelines of CFR 1320.6. The NMB has no ability to control the data provided or timing of the invocation. The burden on the parties is minimal in completing the ''Application for Investigation of Representation Dispute.''

8. No payments or gifts have been provided by the NMB to any respondents of the form.

9. There are no questions of a sensitive nature on the form.

10. The total time burden on respondents is 17.00 hours annually—this is the time required to collect information. After consulting with a sample of people involved with the collection of this information, the time to complete this information collection is estimated to average 15 minutes per response, including gathering the data needed and completion and review of the information.

Number of respondents per year 68
Estimated time per respondent 15 minutes
Total Burden hours per year 17 (68 × .25)

11. The total collection and mail cost burden on respondents is estimated at $584.80 annually ($552.16 time cost burden + $32.64 mail cost burden.)

a. The respondents will not incur any capital costs or start up costs for this collection.

b. Cost burden on respondents—detail:

The total time burden annual cost is $552.16
Time Burden Basis: The total hourly burden per year, upon respondents, is 17
Staff cost = $552.16
$32.48 per hour—based on mid level clerical salary
$32.48 × 17 hours per year = $552.16

We are estimating that a mid-level clerical person, with an average salary of $32.48 per hour, will be completing the ''Application for Investigation of Representation Dispute'' form. The total burden is estimated at 17 hours, therefore, the total time burden cost is estimated at $552.16 per year.

The total annual mailing cost to respondents is $32.64
Number of applications mailed by Respondents per year 68
Total estimated cost $32.64 (68 × .48 stamp)

The collection of this information is not mandatory; it is a voluntary request from airline and railroad carrier employees seeking to invoke an investigation of a representation dispute. After consulting with a sample of people involved with the collection of this information, the time to complete this information collection is estimated to average 15 minutes per response, including gathering the data needed and completion and review of the information. However, the estimated hour burden costs of the respondents may vary due to the complexity of the specific question in dispute. The revision of the form requiring a new application for every craft or class will have little effect on the number of application submitted. In 2012 and 2013, no applications were filed that included a request for representation services for more than one craft or class.

The application form is available from the NMB's Office of Legal Affairs and is also available on the Internet at *http://www.nmb.gov/representation/rapply.html*

12. The total annualized Federal cost is $846.98. This includes the costs of printing and mailing the forms upon request of the parties. The completed applications are maintained by the Office of Legal Affairs.

a. Printing cost: $ 80.00.

b. Mailing costs: $ 9.54.

Basis (mail cost): Forms are requested approximately 3 times per year and it takes 5 minutes to prepare the form for mail:

Postage cost = $1.44
3 (times per year) × .48 (cost of postage)
Staff cost = $8.10
$.54 per minute (GS 9/10 $64,787 = $32.48 per hr. ÷ 60)
$.54 × 5 minutes per mailing = $2.70
$2.70 × 3 times per year = $8.10
Total Mailing Costs = $9.54

c. Processing Cost = $756.00.

Basis (processing cost): Representation is requested approximately 70 times oer year and it takes 20 minutes to process each application.

Staff Cost= $756.00
$.54 per minute (GS 9/10 $64,787 = $32.48 per hr. ÷ 60)
$.54 × 20 minutes per mailing = $10.80
$10.80 × 70 times per year = $756.00

13. Item 13—no change in annual reporting and recordkeeping hour burden.

14. The information collected by the application will not be published.

15. The NMB will display the OMB expiration date on the form.

16(a)—the form does not reduce the burden on small entities; however, the burden is minimized and voluntary.

16 (b)—the form does not indicate the retention period for record keeping requirements.

16 (c)—the form is not part of a statistical survey.

Requests for copies of the proposed information collection request may be accessed from *www.nmb.gov* or should be addressed to Denise Murdock, NMB, 1301 K Street NW., Suite 250 E, Washington, DC 20005 or addressed to the email address *murdock@nmb.gov* or faxed to 202–692–5081. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements, as

well as comments on any legal and substantive issues raised, should be directed to Samantha Williams at 202–692–5010 or via internet address *williams@nmb.gov.* Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2014–12843 Filed 6–3–14; 8:45 am]

BILLING CODE 7550–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–608; NRC–2013–0053]

SHINE Medical Technologies, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: License application; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** (FR) on December 9, 2013, regarding the docketing of the SHINE Medical Technologies, Inc. (SHINE) construction permit application. This action is necessary to provide the NRC's Agencywide Documents Access and Management System (ADAMS) accession number for the letter by which SHINE submitted the second and final part of its two-part application for a construction permit.

DATES: The correction is effective June 4, 2014.

ADDRESSES: Please refer to Docket ID NRC–2013–0053 when contacting the NRC about the availability of information for this document. You may access publicly-available information related to this document by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0053. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Steven Lynch, Office of Nuclear Reactor Regulation; telephone: 301–415–1524; email: *Steven.Lynch@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: In the FR of December 9, 2013, in FR Doc. 2013–29303, on page 73897, second column, eleventh line from the top of the page, correct ''ADAMS Accession No.'' to read ''ADAMS Accession No. ML13172A361.''

Dated at Rockville, Maryland, this 30th day of May, 2014.

For the Nuclear Regulatory Commission.

Leslie Terry,

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

[FR Doc. 2014–12948 Filed 6–3–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of June 2, 9, 16, 23, 30, July 7, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 2, 2014

Tuesday, June 3, 2014

9 a.m. Briefing on Results of the Agency Action Review Meeting (AARM) (Public Meeting) (Contact: Michael Balazik, 301–415–2856)

This meeting will be Web cast live at the Web address—*http://www.nrc.gov/.*

Week of June 9, 2014—Tentative

There are no meetings scheduled for the week of June 9, 2014.

Week of June 16, 2014—Tentative

Tuesday, June 17, 2014

9:30 a.m. Strategic Programmatic Overview of the Operating Reactors Business Line (Public Meeting) (Contact: Trent Wertz, 301–415–1568)

This meeting will be Web cast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 19, 2014

9 a.m. Briefing on NFPA 805 Fire Protection (Public Meeting) (Contact: Barry Miller, 301–415–4117)

This meeting will be Web cast live at the Web address—*http://www.nrc.gov/.*

Week of June 23, 2014—Tentative

There are no meetings scheduled for the week of June 23, 2014.

Week of June 30, 2014—Tentative

There are no meetings scheduled for the week of June 30, 2014.

Week of July 7, 2014—Tentative

There are no meetings scheduled for the week of July 7, 2014.

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: May 30, 2014.

Kenneth R. Hart,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2014–13060 Filed 6–2–14; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31063; 812–14267]

Prudential Investments LLC, et al.; Notice of Application

May 29, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: Prudential Investments LLC (''PI''), Prudential ETF Trust (the ''Trust'') and Prudential Investment Management Services LLC (''PIMS'').

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

DATES: *Filing Dates:* The application was filed on January 16, 2014, and amended on May 2, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants 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 23, 2014, and should be accompanied by proof of service on applicants, 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.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: c/o Claudia DiGiacomo, Esq., Prudential Investments LLC, Gateway Center Three, 100 Mulberry Street, 4th Floor, Newark, New Jersey 07102.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Senior Counsel, at (202) 551–6876 or Mary Kay Frech, Branch Chief, at (202) 551–6814 (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 by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a statutory trust organized under the laws of Maryland and intends to register as an open-end management investment company under the Act. The Trust currently intends to offer an actively-managed series, Prudential Core Bond ETF (the ''Initial Fund''). The investment objective of the Initial Fund will be to seek total return by generally investing in a diversified portfolio of fixed income securities.

2. PI, a New York limited liability company, will be the investment adviser to the Initial Fund. PI is and any other Adviser (as defined below) is or will be registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser may enter into sub-advisory agreements with investment advisers to act as sub-advisers with respect to the Funds (as defined below) (each, a ''Subadviser''). Any Subadviser will be registered under the Advisers Act or not subject to such registration. PIMS, a registered broker-dealer under the Securities Exchange Act of 1934 (''Exchange Act''), is an affiliate of the Adviser and will act as the distributor and principal underwriter of the Funds (''Distributor'').

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust or of other existing or future open-end management companies that may utilize active management investment strategies (''Future Funds''). Any Future Fund will (a) be advised by PI or an entity controlling, controlled by, or under common control with PI or any successor thereto (each such entity included in the term ''Adviser''),[1] and (b) comply with the terms and conditions of the application.[2] The Initial Fund and Future Funds together are the ''Funds''. Each Fund will operate as an actively managed exchange-traded fund (''ETF''). Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies, other assets and other positions including short sales and other short positions (''Short Positions'') traded in the U.S. and/or in non-U.S. markets (''Portfolio Positions'').[3] Funds may also invest in ''to-be-announced transactions'' (''TBA Transactions'')[4] and ''Depositary Receipts''.[5] The Funds may include one or more ETFs which invest in other open-end and/or closed-end investment companies and/or ETFs.[6]

4. Applicants also request that any exemptions under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (1) Any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act as

[1] For purposes of the requested order, a ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] All entities that currently intend to rely on the order are named as applicants. Any entity that relies on the order in the future will comply with the terms and conditions of the application. An Investing Fund (as defined below) may rely on the order only to invest in Funds and not in any other registered investment company.

[3] If a Fund invests in derivatives: (a) The Board (as defined below) periodically will review and approve (i) the Fund's use of derivatives and (ii) how the Fund's investment adviser or subadviser assesses and manages risk with respect to the Fund's use of derivatives; and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[4] A 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.

[5] Depositary Receipts are typically issued by a financial institution, a ''depositary'', and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund will not invest in any Depositary Receipts that the Adviser or Subadviser, as applicable, deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Adviser, any Subadviser or the Funds will serve as the depositary bank for any Depositary Receipts held by a Fund.

[6] In no case, however, will such a Fund rely on the exemption from section 12(d)(1) being requested in the application.

well as any principal underwriter for the Fund and any Brokers (as defined below) selling Shares of a Fund to an Investing Fund (as defined below); and (2) each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds, and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[7]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares and the price of a Share will range from $10 to $200. All orders to purchase Creation Units must be placed with the Distributor by or through a party (''Authorized Participant'') that has entered into a participant agreement with the Distributor and the transfer agent of the Trust with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) A broker or dealer registered under the Exchange Act (''Broker'') or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''); or (b) a participant in the DTC (such participant, ''DTC Participant'').

6. Shares of the Funds will be purchased and redeemed in Creation Units and generally on an ''in-kind'' basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[8] On any given Business Day,[9] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond *pro rata* to the positions in the Fund's portfolio (including cash positions),[10] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [11] or (c) TBA Transactions, Short Positions or other positions that cannot be transferred in kind [12] will be excluded from the Creation Basket.[13] If there is a difference between the NAV attributable to a Creation Unit and the aggregate 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 that difference (the ''Balancing Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described above; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash *in lieu* of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Funds holding non-U.S. investments (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers, or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash *in lieu* of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

8. Each Business Day, before the open of trading on the national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), upon which its Shares are listed and traded, the Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket, except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day through the facilities of the Consolidated Tape Association an amount representing, on a per Share basis, the sum of the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. An investor purchasing or redeeming a Creation Unit from a Fund may be charged a fee (''Transaction Fee'') to protect existing shareholders of the Funds from the dilutive costs associated with the purchase and redemption of Creation Units.[15] All

[7] An Investing Fund may rely on the order only to invest in Funds and not in any other registered investment company.

[8] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of rule 144A.

[9] ''Business Day'' is defined to include any day that the Trust is open for business as required by section 22(e) of the Act.

[10] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net assets value (''NAV'') for that Business Day.

[11] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[12] This includes instruments that can be transferred in kind only with the consent of the counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] Where a Fund permits an in-kind purchaser or redeemer to deposit or receive cash in lieu of one or more Deposit or Redemption Instruments, the purchaser or redeemer may be assessed a higher Transaction Fee to offset the transaction cost to the

Continued

orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on the Stock Exchange and traded in the secondary market. Applicants expect that the Stock Exchange market makers (''Market Makers'') will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include arbitrageurs. Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[16] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[17] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares may be redeemed only if tendered in Creation Units. Redemption requests must be placed by or through an Authorized Participant. As discussed above, redemptions of Creation Units will generally be made on an in-kind basis, subject to certain specified exceptions under which redemptions may be made in whole or in part on a cash basis, and will be subject to a Transaction Fee.

13. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' Any advertising material where features of obtaining, buying or selling Creation Units are described or where there is reference to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire Shares from a Fund and tender those Shares for redemption to a Fund in Creation Units only.

14. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include the Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[18]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction, or any class of persons, securities or transactions from any provisions of the Act, 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 Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust and any Fund to register as an open-end management investment company and redeem Shares in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market

Fund of buying or selling those particular Deposit or Redemption Instruments.

[16] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[17] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[18] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, the Funds 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.

trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions, to permit Shares to trade at negotiated prices.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Global Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[19]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of 14 calendar days will not lead to unreasonable, undisclosed or unforeseen delays in the redemption process and would not be inconsistent with the spirit and intent of section 22(e). Applicants state the statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days, up to 14 calendar days, needed to deliver the proceeds for each affected Global Fund. Except as disclosed in the SAI for a Future Fund, deliveries of redemption proceeds for Global Funds are expected to be made within seven days. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not effect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(l)(A) of the Act and to permit the Funds, their principal underwriters and any Brokers to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address the concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Adviser''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(l) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Adviser, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Adviser or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Subadviser''), any person controlling, controlled by, or under common control with the Investing Fund Subadviser, and any investment company or issuer that would be an investment company but for sections 3(c)(l) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Subadviser or any person controlling, controlled by or under common control with the Investing Fund Subadviser

[19] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that they have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

(''Investing Fund's Subadvisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate [20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Adviser, Investing Fund Subadviser, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Adviser or Investing Fund Subadviser, employee or Sponsor is an affiliated person. An Underwriting Affiliate does not include any person whose relationship to the Fund is covered by section 10(f) of the Act.

13. Applicants propose several conditions to address the concerns regarding layering of fees and expenses. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. In addition, an Investing Fund Adviser, trustee of an Investing Trust (''Trustee'') or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Adviser, Trustee or Sponsor or an affiliated person of the Investing Fund Adviser, Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Adviser, Trustee or Sponsor or its affiliated person by a Fund, in connection with the investment by the Investing Fund in the Fund. Applicants also propose a condition to prevent any sales charges or service fees on shares of an Investing Fund from exceeding the limits applicable to a fund of funds set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on sections 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that the Fund (a) receives securities of another investment company as a dividend or as a result of a plan of reorganization of a company (other than a plan devised for the purpose of evading section 12(d)(1) of the Act) or (b) acquires (or is deemed to have acquired) securities of another investment company pursuant to exemptive relief from the Commission permitting such Fund to (i) acquire securities of one or more investment companies for short-term cash management purposes or (ii) engage in interfund borrowing and lending transactions.

15. To ensure that the Investing Funds understand and comply with the terms and conditions of the requested order, any Investing Fund that intends to invest in a Fund in reliance on the requested order will be required to enter into a participation agreement (''FOF Participation Agreement'') with the Fund. The FOF Participation Agreement will include an acknowledgment from the Investing Fund that it may rely on the order only to invest in the Funds and not in any other investment company.

Sections 17(a)(1) and (2) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[22] Applicants also request an exemption in order to permit a Fund to sell its Shares to, and purchase its Shares from, an Investing Fund and to engage in any accompanying in-kind transactions with certain Investing Funds of which the Funds are affiliated persons or a second-tier affiliates.[23]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be effected in exactly the same manner for all purchases and redemptions, regardless of size or number. Absent the circumstances

[20] An ''Investing Fund Affiliate'' is the Investing Fund Adviser, Investing Fund Subadviser, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. A ''Fund Affiliate'' is an investment adviser, promoter or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of these entities.

[21] Any references to NASD Conduct Rule 2830 include any successor or replacement rule to NASD Conduct Rule 2830 that may be adopted by the Financial Industry Regulatory Authority.

[22] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[23] Applicants expect most Investing Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is also intended to cover any in-kind transactions that may accompany such sales and redemptions.

discussed in the application, on each Business Day the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Positions. Applicants state that the method of valuing Portfolio Positions held by a Fund is the same as that used for calculating the value of in-kind purchases or redemptions and therefore, creates no opportunity for affiliated persons or the applicants to effect a transaction detrimental to other holders of Shares of that Fund. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund (including for any affiliated person and including any Investing Fund) will be based on the NAV of the Fund in accordance with the Fund's policies and procedures.[24] Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. Actively-Managed Exchange-Traded Fund Relief

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Adviser or any Subadviser, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively managed exchange-traded funds.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Subadvisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Subadvisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Subadvisory Group with respect to a Fund for which the Investing Fund Subadviser or a person controlling, controlled by or under common control with the Investing Fund Subadviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to assure that the Investing Fund Adviser and any Investing Fund Subadviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the board of the Fund (''Board''), including a majority of the disinterested Board members, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Adviser, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Adviser, or Trustee or Sponsor, or an affiliated person of the Investing Fund Adviser, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Adviser, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Subadviser will waive fees otherwise payable to the Investing Fund Subadviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Subadviser, or an affiliated person of the Investing Fund Subadviser, other than any advisory fees paid to the Investing Fund Subadviser or its affiliated person by the Fund, in connection with the investment by the

[24] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

Investing Management Company in the Fund made at the direction of the Investing Fund Subadviser. In the event that the Investing Fund Subadviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the disinterested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent that the Fund (a) receives securities of another investment company as a dividend or as a result of a plan of reorganization of a company (other than a plan devised for the purpose of evading section 12(d)(1) of the Act) or (b) acquires (or is deemed to have acquired) securities of another investment company pursuant to exemptive relief from the Commission permitting such Fund to (i) acquire securities of one or more investment companies for short-term cash management purposes or (ii) engage in interfund borrowing and lending transactions.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12890 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72272; File No. SR–CME–2014–21]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to IRS Coupon Blending

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 16, 2014, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I and II below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)(ii)[4] thereunder so that the proposal was effective upon filing with the Commission. 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

CME is filing the proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change would adopt new CME Rule 90008 to allow market participants the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

ability to reduce the number of open positions and/or the gross notional of their interest rate swap (''IRS'') positions through compression by coupon blending.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CME 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

CME is registered as a DCO with the Commodity Futures Trading Commission (''CFTC'') and offers clearing services for many different futures and swaps products. The proposed rule change that is the subject of this filing is limited to CME's business as a DCO offering clearing services for CFTC-regulated swaps products.

CME is proposing to adopt new CME Rule 90008 to allow market participants the ability to reduce the number of open positions and/or the gross notional of their interest rate swap (''IRS'') positions through compression by coupon blending. CME is offering coupon blending for market participants interested in reducing the number of IRS contracts cleared at CME.

Under the new rule, a market participant interested in coupon blending would inform CME or its IRS Clearing Member that it wishes to exercise coupon blending and then CME would conduct a process that would take IRS contracts executed at the same or different fixed rates and replace them with zero or more IRS Contracts that have Fixed Rate(s) equal to the blended rate(s) determined through the coupon blending process. The process would result in either a reduction in the number of transactions, a reduction in the aggregate gross notional of the combined IRS Contracts or both. Coupon blending would be available to all participants on a voluntary basis and could be automated at a market participant's request.

The change that is described in this filing is limited to CME's business as a DCO clearing products under the exclusive jurisdiction of the CFTC and does not materially impact CME's security-based swap clearing business in any way. CME notes that it has also certified the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in a separate filing, CME Submission No. 14–157. This change will be effective on filing.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A of the Exchange Act.[5] The proposed change would allow market participants the ability to reduce the number of open positions and/or the gross notional of their IRS positions through compression by coupon blending. This new process will result in either a reduction in the number of transactions, a reduction in the aggregate gross notional of the combined IRS Contracts or both. This tool will be available to all market participants for cleared OTC IRS trades and these processes will enhance the risk management tools available in connection with CME's OTC IRS offering. These risk management enhancements promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[6]

Furthermore, the proposed change is limited in its effect to products offered under CME's authority to act as a DCO. The products that are the subject of this filing are under the exclusive jurisdiction of the CFTC. As such, the proposed change is limited to CME's activities as a DCO clearing swaps that are not security-based swaps; CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed change is limited in its effect to IRS products offered under CME's authority to act as a DCO, the proposed change is properly classified as effecting a change in an existing service of CME that:

(a) Primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) Does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the change is therefore consistent with the requirements of Section 17A of the Exchange Act[7] and are properly filed under Section 19(b)(3)(A)[8] and Rule 19b–4(f)(4)(ii)[9] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed rule would provide market participants with the ability to reduce the number of open positions and/or the gross notional of their IRS positions through compression by coupon blending. This new process will enhance risk management in connection with CME's IRS clearing offering and could result in either a reduction in the number of already effected transactions, a reduction in the aggregate gross notional of the combined IRS Contracts or both, but should not be seen to impact competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)[10] of the Act and Rule 19b–4(f)(4)(ii)[11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(4)(ii).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(4)(ii).

interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*), or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CME–2014–21 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–CME–2014–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2014–21 and should be submitted on or before June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12885 Filed 6–3–14; 8:45 am]

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72271; File No. SR–CBOE–2014–046]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Exchange Rule 24.20

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rule 24.20 to: (a) require Trading Permit Holders (''TPHs'') that may determine to utilize the special open outcry trading procedures for SPX Combo Orders to indicate an order is eligible for the procedure by including an indicator with the order upon systematization,[3] and (b) make other changes to the rule text. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to add language to Exchange Rule 24.20 to require TPHs that may determine to utilize the special open outcry trading procedures for the SPX Combo Orders, as described in Rule 24.20, to indicate an order is eligible for the procedure by including an SPX Combo Order indicator with the order upon systematization. The Exchange believes this added requirement to Rule 24.20 will enhance the Exchange's audit trail by identifying orders that are eligible to receive the relief under Rule 24.20, whether or not those orders are ultimately executed using the SPX Combo Order provisions, and limiting the availability of the procedure only to those orders so designated upon systematization as such. Orders without this indicator will not be eligible for the special procedure set out in Rule 24.20.[4] The Exchange is also proposing to make other edits to the current provisions of Rule 24.20.

Background

An ''SPX Combo Order'' is currently defined in Rule 24.20 as an order to purchase or sell SPX options and the offsetting number of SPX combinations

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Orders must be systematized in accordance with Rule 6.24 (Required Order Information). Generally, subject to certain exceptions, each order, cancellation of, or change to an order transmitted to the Exchange must be ''systematized,'' in a format approved by the Exchange, either before it is sent to the Exchange or upon receipt on the floor of the Exchange. An order is systematized if: (i) the order is sent electronically to the Exchange; or (ii) the order that is sent to the Exchange non-electronically (*e.g.,* telephone orders) is input electronically into the Exchange's systems contemporaneously upon receipt on the Exchange, and prior to representation of the order.

[4] The Exchange notes that the inclusion of the indicator will simply signify that an order is eligible for the special procedure set out in Rule 24.20. It will not obligate a TPH to use the procedure if an order has been designated as eligible for the procedure set out in in [sic] Rule 24.20 (*e.g.,* the TPH could elect to trade the order as the TPH would trade another complex order under Rule 6.45B(b)). Moreover, it will not obligate a TPH to apply the indicator to an order if the TPH has no intention of utilizing the procedure set out in Rule 24.20.

defined by the delta. An ''SPX combination'' is a long SPX call and a short SPX put having the same expiration date and strike price. The ''delta'' is defined as the positive (negative) number of SPX combinations that must be sold (bought) to establish a market neutral hedge with an SPX option position.

Rule 24.20 provides limited relief by allowing the component legs of an SPX Combo Order to be traded in open outcry outside the market quotes (''out-of-range'') under certain circumstances. Specifically, Rule 24.20(b)(2) currently provides that, if an SPX Combo Order is not executed immediately, the SPX Combo Order may be executed and printed at the prices originally quoted for each of the component options series within two hours after the time of the original quotes, provided that the prices originally quoted satisfy the requirements of paragraph (b)(1) of Rule 24.20.[5]

SPX Combo Order Indicator

Under the current Rule 24.20 procedures, TPHs are required to designate each of the component series of the order as being part of an SPX Combo Order transaction when submitting the trade to the Exchange for price reporting. For example, on a PAR workstation this is accomplished by selecting the ''CMBO ENDORSE'' button. When an SPX Combo Order execution is reported, the prices of the component series are reported to the trading floor and to the Options Price Reporting Authority (''OPRA'') using an indicator that identifies the trade as being part of an SPX Combo Order transaction. The SPX Combo Order indicator acts as notice to the public that the reported prices are part of an SPX Combo Order transaction and helps avoid investor confusion regarding out-of-range SPX prices.

The Exchange is now proposing to add language to Rule 24.20 to require the TPH to indicate an order as eligible for the SPX Combo Order trading procedures upon systematization rather than when reporting an execution as currently required. The Exchange believes this requirement will enhance the Exchange's audit trail because it will identify eligible orders even if they are not ultimately executed using the SPX Combo Order trading procedures. In addition, the Exchange notes that TPHs are already required to apply an indicator to identify Combo Order transactions at the time of trade report (via the ''CMBO ENDORSE'' button). The proposed rule change only seeks to modify the timing to instead require that the indicator be applied at time of order systematization. More specifically, TPHs will merely need to add the indicator to a field upon order entry.[6] As such, the Exchange does not anticipate the proposed changes will be unduly burdensome on TPHs.

Other Amendments

The Exchange is also proposing to revise the existing SPX Combo Order rule text to make other amendments. The Exchange notes that these amendments are not intended to modify the existing operation of the special procedures, and are not intend [sic] to expand the relief granted under current Rule 24.20. The Exchange believes that these amendments will harmonize the language found throughout the current rule along [sic] more sufficiently explain the existing application of the Rule.

In particular, the Exchange is proposing to change the title of the rule from ''SPX Combination Orders'' to ''SPX Combo Orders'' to harmonize the references within the Rule. Next, the Exchange is proposing to revise the definition of an ''SPX combination.'' As noted above, currently an SPX combination is defined as ''a long SPX call and a short SPX put having the same expiration date and strike price.'' The Exchange is proposing to revise the definition to include a short SPX call and a long SPX put having the same expiration date and strike price. By definition, both strategies are permissible under the existing rule (otherwise one would never have a contra-side with which to trade; also, this clarification is consistent with other provisions of the rule that recognize both buy-side and sell-side interest). In addition, instead of using the terms ''long'' and ''short,'' the Exchange is proposing to use the terms ''purchase'' and ''sale'' to be consistent with the language in the existing definitions of ''SPX Combo Order'' and ''delta'' (which are noted above). Thus, as revised, an ''SPX combination'' would be defined as ''a purchase (sale) of an SPX call and a sale (purchase) of an SPX put having the same expiration date and strike price.''

The Exchange is also proposing to revise the definitions of a ''delta'' and an ''SPX Combo Order'' to replace the phrase ''SPX option positions'' [sic] and ''SPX options'' that appear within the respective definitions with the phrase ''one or more SPX option series.'' As revised, a ''delta'' would be ''the positive (negative) number of SPX combinations that must be sold (bought) to establish a market neutral hedge with one or more SPX option series.'' The definition of an ''SPX Combo Order'' would be ''an order to purchase or sell one or more SPX option series and the offsetting number of SPX combinations defined by the delta''. The use of the phrase ''one or more SPX option series'' is intended to make it clear that an SPX Combo Order is intended to consist of an SPX combination (which has two component legs) that establish a market neutral hedge with one or more SPX option series (which can consist of one or more component legs). The Exchange again notes that it does not intended [sic] to expand the relief granted under the current Rule but only intended [sic] to provide greater clarity on the existing requirements under the Rule.

Finally, the Exchange is proposing to change a reference in the current Rule 24.20(b)(1)(B) from ''SPX combination'' to the word ''order.''[7] This change is intended to codify the existing application of the rule. The use of the word ''order'' (which is intended to capture the broader SPX Combo Order) is consistent with the terminology used elsewhere in the existing rule text[8] and with the Exchange's general priority provisions for complex orders.[9] As

[5] *See* note 5 [sic], *infra*. The Exchange notes that existing paragraphs (b)(1) and (b)(2) of Rule 24.20 are proposed to be renumbered to paragraphs (b)(2) and (b)(3), respectively.

[6] The Exchange notes that though TPHs are generally allowed to utilize any Exchange approved device to systematize orders on the trading floor, it is the Exchange's understanding that the majority of SPX Combo Orders are systematized by Exchange Floor Brokers via the Exchange provided devices Floor Broker Workstation and PULSe. Because these are Exchange provided devices, both have been updated by the Exchange to support the proposed SPX Combo Order Indicator. In addition, this order designation was originally announced in June 2013. (*See* Exchange Regulatory Circular RG13–083.) As such, the Exchange believes that appropriate notice was given to the TPHs not utilizing Floor Broker Workstation or PULSe for compliance with the requirement, and it is the Exchange's understanding that these TPHs will be prepared for the requirement within the timeframes outlined by the Exchange.

[7] The current text of Rule 24.20(b)(1) provides in relevant part as follows: ''When a Trading Permit Holder holding an SPX Combo Order and bidding or offering in a multiple of the minimum increment on the basis of a total debit or credit for the order has determined that the order may not be executed by a combination of transactions with the bids and offers displayed in the SPX limit order book or by the displayed quotes of the crowd, then the order may be executed at the best net debit or credit so long as (A) no leg of the *order* would trade at a price outside the currently displayed bids or offers in the trading crowd or bids or offers in the SPX limit order book and (B) at least one leg of the *SPX combination* would trade at a price that is better than the corresponding bid or offer in the SPX limit order book.'' (emphasis added). As proposed to be revised, the phrase ''SPX combination'' would be replaced with the word ''order.''

[8] *See* current CBOE Rule 24.20(b)(1)(A).

[9] *See, e.g.,* Rules 6.45A(b)(which applies to open outcry equity option trades) and 6.45B(b) (which

Continued

stated above, the Exchange does not intend to expand the relief under the current Rule but is attempting to harmonize the rule language and conform the existing requirements.[10]

The proposed change to the current Rule 24.20(b)(1)(B) would align the language with the language in the current Rule 24.20(b)(1)(A) which states that a Combo Order may receive the relief under the Rule if no leg of the order would trade at a price outside of the currently displayed bids or offers. Thus, the Exchange is proposing to make clear that the price improvement requirement necessary to receive the relief may be on any leg of the SPX Combo Order rather than only on a leg in the SPX combination portion of the SPX Combo Order. The Exchange believes the current representation that the price improvement must be on one leg of the SPX combination is a result of [sic] drafting error and the intent of the Rule has always been that the price improvement occur on any one leg of the SPX Combo Order to remain consistent with the treatment of regular complex orders on the Exchange.[11] In addition, in its approval order, the Commission specifically stated that the procedures in the proposed Rule 24.20 ''are the same as the procedures set forth in CBOE Rule 6.45(e)'' which were the Exchange priority rules for complex orders at the time of filing.[12] Thus, the Exchange believes that the intention has always been understood to mean the price improvement can occur on any one leg of the order. The Exchange is now merely proposing to codify this notion.

Conclusion

The Exchange believes that these changes will enhance the Exchange's audit trail along with provide [sic] clarity for TPHs utilizing this trading procedure. Because the SPX Combo Order indicator described above will require minor systems enhancements, the Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published no later than 90 days following the effective date of this proposed rule change. The Exchange understands that all TPHs currently utilizing the relief granted under Rule 24.20 will have this functionality by the time of implementation of the obligation. As such, the implementation date will be no later than 180 days following the effective date of this proposed rule change.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed addition to Rule 24.20 would promote just and equitable principles of trading by enhancing the Exchange's audit trail. An enhanced audit trail will help the Exchange to regulate these kinds of orders more thoroughly, which should serve to promote just and equitable trading of these orders on the Exchange. Finally, the Exchange believes that the proposed revisions to the existing SPX Combo Order text will not expand the relief currently granted in Rule 24.20. More specifically, the proposed changes to Rule 24.20(a) will harmonize the language found throughout the current rule along with [sic] more sufficiently explain the existing application of the Rule. The proposed changes in current Rule 24.20(b)(1) will conform the text of the SPX Combo Order provisions contained in current Rule 24.20(b)(1)(B) with language in current Rule 24.20(b)(1)(A) and with the general requirements for trading complex orders on the Exchange, consistent with the original intention.

The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[16] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's TPHs and persons associated with its TPHs with the Act, the rules and regulations thereunder, and the rules of the Exchange. With an enhanced audit trail of orders that TPHs designate as eligible for the SPX Combo Order trading procedures, the Exchange believes it will be able to more comprehensively monitor such trading on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, the proposed rule change will not impose any burden on any [sic] intramarket competition as it will be applied to similarly situated groups trading on the Exchange equally. The Exchange does not believe the proposed rule change will impose any burden on intermarket completion [sic] as the proposed changes merely pose a requirement for a TPH that may determine to utilize the special open outcry trading procedures for SPX Combo Orders to apply an indicator to an eligible order upon systematization (as opposed to the current requirement to apply an indicator when reporting an execution) and amend other SPX Combo Order provisions without granting any additional relief.

applies to open outcry index and ETF option trades).

[10] *See* Securities Exchange Act Release No. 45389 (February 4, 2002), 67 FR 6291 (February 11, 2002) (order approving SR–CBOE–00–040).

[11] *See* note 7 [sic] *supra.* For example, Rule 6.45B(b)(ii), which applies to index options such as the SPX options class, states that complex orders may be executed in open outcry without giving priority to equivalent bids (offers) in the individual series legs that are represented in the trading crowd or in the public customer limit order book provided, ''at least one leg of the order betters the corresponding bid (offer) in the public customer limit order book.'' In that regard, consistent with general open outcry complex orders procedures contained Rules 6.45(e), 6.45A(b) and 6.45B(b), for purposes of Rule 24.20 references to the trading crowd include broker-dealer orders resting in the electronic book and electronic quotes of Market-Makers. Also consistent with Rules 6.45(e), 6.45A(b) and 6.45B(b), for purposes of Rule 24.20 references to the SPX limit order book mean the public customer order limit [sic] book. *See* Rules 6.45(e), 6.45A(b)(ii) and 6.45B(b)(ii). The Exchange notes that Professional and Voluntary Professional orders are treated the same as broker-dealer orders for purposes of Rule 6.45, 6.45A and 6.45B, and that the Professional and Voluntary Professional designation [sic] are not available for SPX options series trading on the Hybrid 3.0 platform (symbols SPX and SPXQ). *See, e.g.,* Rules 1.1(fff)–(ggg).

[12] *See* note 8 [sic].

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

[16] 15 U.S.C. 78f(b)(1).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2014–046 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–046. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–046, and should be submitted on or before June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12884 Filed 6–3–14; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72273; File No. SR–MIAX–2014–22]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Rule 516 To Remove the Size Restrictions on Contra-Party Participation on a Qualified Contingent Cross Order

May 29, 2014.

Pursuant to the provisions of 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 21, 2014, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend MIAX Rule 516(j) to remove the size restrictions on contra-party participation on a Qualified Contingent Cross Order (''QCC Order'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule filing is to amend Rule 516(j) to remove the size restriction on contra-party participation on a QCC Order. The proposed rule change, which mirrors a recently adopted rule by the International Securities Exchange (''ISE'') and NYSE Arca,[3] would expand the availability of QCC Orders by permitting multiple contra-parties on a QCC Order, each of which may consist of an order for less than 1,000 contracts; provided however, that the originating QCC Order is a single order that meets the 1,000 contract minimum (as well as the other requirements of a QCC Order), as discussed below.[4] The proposed change

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 71863 (April, 3, 2014), 79 FR 19680 (April 9, 2014) (SR–ISE–2013–72); 71965 (April 17, 2014), 79 FR 22737 (April 23, 2014) (SR–NYSEArca–2014–43).

[4] In the case of mini-options, as proposed, the minimum size is 10,000 contracts.

is intended to allow the Exchange to compete fairly and equally with other options exchanges, including the ISE, that have recently adopted similar rule changes.[5] Additionally, the Exchange proposes adding language to Rule 516(j) to account for mini-options that currently trade on the Exchange and that an originating order in mini-options must be at least 10,000 contracts to qualify as an QCC Order under Rule 516(j).

Rule 516(j) provides that a QCC Order must be comprised of an order to buy or sell at least 1,000 contracts[6] that is identified as being part of a qualified contingent trade,[7] coupled with a contra-side order to buy or sell an equal number of contracts. As Qualified Contingent Crosses, QCC Orders are automatically executed upon entry provided that the execution (i) is not at the same price as a Priority Customer Order on the Exchange Book and (ii) is at or between the NBBO.[8] In addition, QCC Orders that cannot be executed when entered will automatically cancel.[9] Finally, QCC Orders may only be entered in the regular trading increments applicable to the options class under Rule 510 (Minimum Price Variations and Minimum Trading Increments).

As discussed above, the Exchange now proposes to amend Rule 516(j) to remove the size limitation placed on each contra-party to a QCC Order.[10] The Exchange is proposing this change for competitive reasons, as it will allow the Exchange to compete fairly and equally with other option exchanges that have similarly amended their rules, including ISE and NYSE Arca.[11] The Exchange does not propose to remove the size requirement on the originating order of a QCC Order.

In connection with this proposal, the Exchange represents that it will track and monitor QCC Orders to determine which is the originating side of the order and which is the contra-side(s) of the order to ensure that Members are complying with the minimum 1,000 contract size requirement on the originating side of the QCC Order. In this regard, the Exchange will monitor whether Members are aggregating multiple orders to meet the 1,000 contract minimum on the originating side of the trade in violation of the requirements of the rule. The rule requires that the originating side of the trade consist of one party who is submitting a QCC Order for at least 1,000 contracts.

The Exchange represents that it will enforce compliance with this portion of the rule by checking to see if a Member breaks up the originating side of the order in a post trade allocation to different Clearing Members, allocating less than 1,000 contracts to a party or multiple parties. For example, a Member enters a QCC Order into the system for 1,500 contracts and receives an execution. Subsequent to the execution, the Member allocates the originating side of the order to two different clearing firms on a post trade allocation basis, thereby allocating 500 contracts to one Clearing Member and 1,000 contracts to another Clearing Member. The Exchange states that this type of transaction would not meet the requirements of a QCC Order under the current rule. With regard to order entry, the Exchange notes that Members must designate orders entered in the system as either the originating side or the contra-side(s). The Exchange will monitor order entries to ensure that Members are properly entering QCC Orders into the system.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b)[12] of the Act in general, and furthers the objectives of Section 6(b)(5)[13] 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, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, because the proposal leaves unchanged the minimum size requirement for the originating order, the Exchange believes that the proposal should provide more opportunity to participate in QCC trades, consistent with the key principles behind the QCC Order.

The Exchange believes the proposed rule change is consistent with Section 6(b)(8) of the Act, as it will enable the Exchange to compete with other options exchanges, including the ISE and NYSE Arca,[14] for QCC Orders. In addition, the proposed rule change will be beneficial to market participants because allowing multiple parties of any size on the contra-side of a QCC Order should foster competition for filling QCC Orders and thereby result in potentially better prices.

Furthermore, the Exchange believes that the proposed rule change should improve the utility of the QCC Order without raising novel regulatory issues, because the proposal does not impact the fundamental aspects of the QCC Order type. Rather, the proposal merely permits multiple contra-parties, regardless of size, on one side, while preserving the 1,000 contract minimum on the originating QCC Order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In fact, the proposal is intended to relieve a burden on competition, which results from different exchanges interpreting their rules differently. Among the options exchanges, the Exchange believes that the proposal should foster competition for filling the contra-side of a QCC Order and thereby result in potentially better prices for such orders. In addition, the proposal will enable the Exchange to more effectively compete with other option exchanges like the ISE and NYSE Arca that have already implemented similar rule changes.[15]

[5] *See supra* n. 3.

[6] *See supra* n. 3.

[7] A ''qualified contingent trade'' must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (e.g., the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (vi) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. In addition, ATP Holders must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies. *See* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008).

[8] *See* Rule 515(h)(2).

[9] *Id.*

[10] Per proposed Rule 516(j): ''A Qualified Contingent Cross Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-option contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Interpretations and Policies .01 below, coupled with a contra-side order or orders totaling an equal number of contracts.''

[11] *See supra* n. 3.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17] Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6)(iii) [19] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [20] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[21] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will help eliminate investor confusion and promote competition among the option exchanges.[22] Therefore, the Commission designates the proposed rule change to be operative upon filing.

The Commission notes that, given the differing requirements as between the originating side and contra-side for QCC Orders, it is essential that the Exchange be able to clearly identify and monitor—throughout the life of a QCC Order, beginning at time of order entry on the Exchange through the post-trade allocation process—each side of the QCC Order and ensure that the requirements of the order type are being satisfied including, importantly, those relating to the originating side. The Commission believes this to be critical so that the Exchange can ensure that market participants are not able to circumvent the requirements of the QCC Order (as amended by this proposed rule change), each of which the Commission continues to believe are critical to ensuring that the QCC Order is narrowly drawn.[23] Further, the Commission notes that the Exchange has made certain representations regarding its enforcement and surveillance of its Members' use of QCC Orders, including, for example, not only at the time of order entry, but through the post-trade allocation process as well.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2014–22 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–MIAX–2014–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2014–22, and should be submitted on or before June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12886 Filed 6–3–14; 8:45 am]

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[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] The Commission expects the Exchange to have the capability to enable it to surveil that such requirements are being met. Though the Exchange has stated its ability to do so, if the Exchange is not able to have such monitoring at any point in time, the Commission would expect the Exchange to take other steps to ensure that the QCC Order cannot be improperly used. For example, if the Exchange were not able to identify and monitor which side of a QCC Order is the originating order, the Commission would expect that it would require that both sides of the QCC Order meet the more stringent requirements of the originating side, *i.e.,* that it be for a single order for at least 1,000 contracts.

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72277; File No. SR–CBOE–2014–047]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Penny Pilot Program

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 23, 2014, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I 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 amend Rule 6.42 relating to the Penny Pilot Program. The text of the proposed rule change is provided below.

(additions are *underlined;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.42. Minimum Increments for Bids and Offers

The Board of Directors may establish minimum increments for options traded on the Exchange. When the Board of Directors determines to change the minimum increments, the Exchange will designate such change as a stated policy, practice, or interpretation with respect to the administration of Rule 6.42 within the meaning of subparagraph (3)(A) of subsection 19(b) of the Exchange Act and will file a rule change for effectiveness upon filing with the Commission. Until such time as the Board of Directors makes a change to the minimum increments, the following minimum increments shall apply to options traded on the Exchange:

(1) No change.

(2) No change.

(3) The decimal increments for bids and offers for all series of the option classes participating in the Penny Pilot Program are: $0.01 for all option series quoted below $3 (including LEAPS), and $0.05 for all option series $3 and above (including LEAPS). For QQQQs, IWM, and SPY, the minimum increment is $0.01 for all option series. The Exchange may replace any option class participating in the Penny Pilot Program that has been delisted with the next most actively-traded, multiply-listed option class, based on national average daily volume in the preceding six calendar months, that is not yet included in the Pilot Program. Any replacement class would be added on the second trading day following [January 1, 2014] *July 1, 2014.* The Penny Pilot shall expire on [June 30, 2014] *December 31, 2014.*

(4) No change.

* * * *Interpretations and Policies*:

.01–.04 No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Penny Pilot Program (the ''Pilot Program'') is scheduled to expire on June 30, 2014. CBOE proposes to extend the Pilot Program until December 31, 2014. CBOE believes that extending the Pilot Program will allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

During this extension of the Pilot Program, CBOE proposes that it may replace any option class that is currently included in the Pilot Program and that has been delisted with the next most actively traded, multiply listed option class that is not yet participating in the Pilot Program (''replacement class''). Any replacement class would be determined based on national average daily volume in the preceding six months,[3] and would be added on the second trading day following July 1, 2014. CBOE will employ the same parameters to prospective replacement classes as approved and applicable in determining the existing classes in the Pilot Program, including excluding high-priced underlying securities.[4] CBOE will announce to its Trading Permit Holders by circular any replacement classes in the Pilot Program.

CBOE is specifically authorized to act jointly with the other options exchanges participating in the Pilot Program in identifying any replacement class.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the proposed rule change allows for an extension of the Pilot Program for the benefit of market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The month immediately preceding a replacement class's addition to the Pilot Program (i.e. June) would not be used for purposes of the six-month analysis. Thus, a replacement class to be added on the second trading day following July 1, 2014 would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2013 through May 31, 2014.

[4] *See* Securities Exchange Act Release No. 60864 (October 22, 2009), 74 FR 55876 (October 29, 2009) (SR–CBOE–2009–76).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

further analysis of the Pilot Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. In addition, the Exchange has been authorized to act jointly in extending the Pilot Program and believes the other exchanges will be filing similar extensions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and Rule 19b–4(f)(6)(iii) thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2014–047 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2014–047. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2014–047 and should be submitted on or before June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12888 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72276; File No. SR–C2–2014–010]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Penny Pilot Program

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 23, 2014, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') 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 amend its rules relating to the Penny Pilot Program. The text of the proposed rule change is provided below.

(additions are *underlined;* deletions are [bracketed])

* * * * *

C2 Options Exchange, Incorporated Rules

* * * * *

Rule 6.4. Minimum Increments for Bids and Offers

The Board of Directors may establish minimum quoting increments for options traded on the Exchange. When the Board of Directors determines to change the minimum increments, the Exchange will designate such change as a stated policy, practice, or interpretation with respect to the administration of this Rule within the meaning of subparagraph (3)(A) of subsection 19(b) of the Exchange Act

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and will file a rule change for effectiveness upon filing with the Commission. Until such time as the Board of Directors makes a change to the minimum increments, the following minimum increments shall apply to options traded on the Exchange:

(1) No change.

(2) No change.

(3) The decimal increments for bids and offers for all series of the option classes participating in the Penny Pilot Program are: $0.01 for all option series quoted below $3 (including LEAPS), and $0.05 for all option series $3 and above (including LEAPS). For QQQQs, IWM, and SPY, the minimum increment is $0.01 for all option series. The Exchange may replace any option class participating in the Penny Pilot Program that has been delisted with the next most actively-traded, multiply-listed option class, based on national average daily volume in the preceding six calendar months, that is not yet included in the Pilot Program. Any replacement class would be added on the second trading day following [January 1, 2014] *July 1, 2014*. The Penny Pilot shall expire on [June 30, 2014] *December 31, 2014*. Also, for so long as SPDR options (SPY) and options on Diamonds (DIA) participate in the Penny Pilot Program, the minimum increments for Mini-SPX Index Options (XSP) and options on the Dow Jones Industrial Average (DJX), respectively, may be $0.01 for all option series quoting less than $3 (including LEAPS), and $0.05 for all option series quoting at $3 or higher (including LEAPS).

(4) No change.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site *http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Penny Pilot Program (the ''Pilot Program'') is scheduled to expire on June 30, 2014. C2 proposes to extend the Pilot Program until December 31, 2014. C2 believes that extending the Pilot Program will allow for further analysis of the Pilot Program and a determination of how the Pilot Program should be structured in the future.

During this extension of the Pilot Program, C2 proposes that it may replace any option class that is currently included in the Pilot Program and that has been delisted with the next most actively traded, multiply listed option class that is not yet participating in the Pilot Program (''replacement class''). Any replacement class would be determined based on national average daily volume in the preceding six months,[3] and would be added on the second trading day following July 1, 2014. C2 will announce to its Trading Permit Holders by circular any replacement classes in the Pilot Program. The Exchange notes that it intends to utilize the same parameters to prospective replacement classes as was originally approved.

C2 is specifically authorized to act jointly with the other options exchanges participating in the Pilot Program in identifying any replacement class.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the proposed rule change allows for an extension of the Pilot Program for the benefit of market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

C2 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. Specifically, the Exchange believes that, by extending the expiration of the Pilot Program, the proposed rule change will allow for further analysis of the Pilot Program and a determination of how the Program shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection. In addition, the Exchange has been authorized to act jointly in extending the Pilot Program and believes the other exchanges will be filing similar extensions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)(iii) thereunder.[9]

[3] The month immediately preceding a replacement class's addition to the Pilot Program (i.e., June) would not be used for purposes of the six-month analysis. Thus, a replacement class to be added on the second trading day following July 1, 2014 would be identified based on The Option Clearing Corporation's trading volume data from December 1, 2013 through May 31, 2014.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–C2–2014–010 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–C2–2014–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2014–010 and should be submitted on or before June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12887 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this pre-filing requirement.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72280; File No. SR–FINRA–2014–018]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Establish a Fee Schedule for Alternative Trading System Volume Information

May 29, 2014.

On April 4, 2014, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt FINRA Rule 4553 (Fees for ATS Data) establishing a fee schedule for alternative trading system (''ATS'') volume information published by FINRA on its Web site. The proposed rule change was published for comment in the **Federal Register** on April 15, 2014.[3] The Commission received one comment letter on the proposal during the comment period.[4] On May 21, 2014, FINRA responded to the comment letter.[5] This order approves the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 71919 (April 9, 2014), 79 FR 21324 (SR–FINRA–2014–018) (''Notice'').

[4] *See* Letter from Christopher Nagy, CEO and Dave Lauer, President, KOR Group LLC, to Elizabeth M. Murphy, Secretary, Commission, dated April 16, 2014 (''KOR Letter'').

[5] *See* Letter from Brant K. Brown, Associate General Counsel, FINRA, to Kevin O'Neill, Deputy Secretary, Commission, dated May 21, 2014 (''FINRA Letter'').

I. Background

On January 17, 2014, the Commission approved a proposed rule change to (i) adopt FINRA Rule 4552 (Alternative Trading Systems—Trading Information for Securities Executed Within the Alternative Trading System) to require ATSs to report to FINRA weekly volume information and number of trades regarding securities transactions within the ATS; and (ii) amend FINRA Rules 6160, 6170, 6480, and 6720 to require each ATS to acquire and use a single, unique market participant identifier (''MPID'') when reporting information to FINRA (''MPID Requirement'').[6] The implementation date of the reporting requirements under Rule 4552 was May 12, 2014, and compliance with the MPID Requirement begins on November 10, 2014.[7] Every week, FINRA will publish on its Web site, on a delayed basis, the self-reported ATS data for each equity security for each ATS (''ATS Data'').[8] According to FINRA, after the MPID Requirement is implemented in November 2014, FINRA will be able to compare the trade reporting data to the data already being reported to FINRA by ATSs pursuant to Rule 4552 to verify the consistency and accuracy of both.

II. Description of the Proposed Rule Change

The proposed rule change establishes three categories of users of the ATS Data, each of which is entitled to different levels and use of ATS Data and is subject to a different fee structure: (i) Non-Professionals;[9] (ii) Professionals;

[6] *See* Securities Exchange Act Release No. 71341 (January 17, 2014), 79 FR 4213 (January 24, 2014). On April 3, 2014, FINRA amended Rules 4552, 6160, 6170, 6480, and 6720 to revise the reporting and MPID requirements applicable to ATSs. *See* Securities Exchange Act Release No. 71911 (April 9, 2014), 79 FR 21316 (April 15, 2014). The amendments to Rules 6160, 6170, 6480, and 6720 permit an ATS that trades both debt securities reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'') and equity securities (OTC Equity Securities or NMS stocks) reported to a FINRA equity reporting facility (the Alternative Display Facility, the OTC Reporting Facility, the FINRA/Nasdaq TRF, or the FINRA/NYSE TRF) to use two MPIDs, rather than a single unique MPID, if each MPID is used exclusively for either debt or equity securities.

[7] *See* FINRA Regulatory Notice 14–07 (February 2014).

[8] *See* Rule 4552(b).

[9] As defined by FINRA in its proposed Rule 4553, a ''Non-Professional'' means a natural person who uses the ATS Data solely for his or her personal, non-commercial use and is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association, nor an employee of the above; (ii) engaged as an ''investment adviser'' as

Continued

and (iii) Vendors. Any individual seeking access to the ATS Data must confirm that he or she is either (i) a Non-Professional or (ii) a Professional (or an affiliate or employee thereof) that has a current Professional or Vendor subscription. A non-Professional will be able to access, at no cost, the most recent four weeks of ATS Data in a viewable, but not downloadable, format. A Non-Professional will be required to agree to certain terms of use of the ATS Data, including that he or she receives and uses the ATS Data solely for his or her personal, non-commercial use, and a prohibition on redistribution of the data.

FINRA proposed to provide Professional access to the ATS Data by requiring an annual, enterprise-wide subscription fee of $12,000 that is non-transferable and renewable annually. A Professional who has paid the subscription fee will have access to the ATS Data available to Non-Professionals, in addition to access to up to five years of historical ATS Data, in a downloadable format. The Professional subscription will allow an unlimited number of users within the firm to access the ATS Data. Professionals will be permitted to distribute ATS Data and Derived Data within the enterprise (including the firm, any affiliates of the firm, and employees thereof). However, Professionals are prohibited from redistributing the ATS Data or Derived Data outside of the enterprise.

The proposal also includes a Vendor subscription fee of $18,000 per year. ''Vendor'' is defined as a Professional that redistributes ATS Data or Derived Data to third parties. A Vendor license would permit a Vendor to redistribute the ATS Data or Derived Data in any form (or in exactly the form FINRA provides to the Vendor). A Vendor would be allowed to provide ATS Data to a third party only if a yearly, non-transferable, enterprise-wide Professional Subscriber license has been purchased for each such third party.[10]

III. Comments Received and FINRA's Response

The Commission received one comment letter on the proposal during the comment period.[11] The commenter strongly disagreed with FINRA's proposal to charge fees for the ATS Data and argued that ATS Data should be treated as open source data that are freely available to the public.[12] The commenter also argued that FINRA already receives fees and dues from its members and should therefore cover the cost of providing ATS Data to the public in a free, open, machine-readable format.[13] Furthermore, the commenter believed that FINRA had proposed to charge a very high fee amount and should not compare its fees with for-profit firms.[14] The commenter also believed that, under the proposal, academics would be unable to download data in a machine readable format and unable to publish any of their findings with derived data.[15] Finally, the commenter argued that an organization such as itself would be prohibited from access to this dataset, which would deprive the public of expertise and analysis not necessarily performed by academics that should be made freely available.

In its response, FINRA disagreed with the commenter's assertion that it is inappropriate for FINRA to impose fees to recover costs. FINRA cited its existing Rule 7330 establishing fees for the receipt of market data concerning real-time TRACE transaction information, historic TRACE data, and the FINRA Automated Data Delivery Service (''ADDS'').[16] FINRA believed that the proposed fee amount is significantly lower than fees for comparable data that are currently available in the marketplace.[17] In addition, FINRA represented that it ''intends to reassess the amount of the fee once it has more experience with the actual usage and ultimate fees paid. For example, if FINRA appears to be generating on a consistent basis significantly more revenue than the cost to build and support the program, it would lower the fee on a per subscription basis so as to better align the total revenue received from the fees with the costs of providing the data.'' [18] FINRA reaffirmed that any such fee change would be filed with the Commission.

With respect to the access to ATS Data, FINRA replied that the commenter's assertion that the proposal would prohibit the use of ATS Data and obstruct the distribution of derived data was incorrect.[19] FINRA stated that the proposal ''does not prohibit anyone from accessing ATS Data and merely requires professional users to pay a reasonable fee to receive the data.'' [20] FINRA added that individual investors (Non-Professionals) accessing ATS Data are provided ATS Data for free and that professional consumers (Professionals and Vendors) should be expected to pay a reasonable fee so that the costs associated with providing the data are borne by those using it. Furthermore, FINRA stated that non-commercial requests from regulators, academics, and media reporters would generally be considered non-professional usage and accommodated on an individual basis, and that FINRA would address these types of ad hoc requests as it does requests for TRACE data.[21] FINRA also stated that it would consider making the data available in other formats as it gains experience with the information reported.

IV. Discussion and Commission Findings

The Commission has carefully reviewed the proposed rule change, the

that term is defined in Section 202(a)(11) of the Investment Advisers Act (whether or not registered or qualified under that Act), nor an employee of the above; (iii) employed by a bank, insurance company or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt, nor any other employee of a bank, insurance company or such other organization referenced above; or (iv) engaged in, or has the intention to engage in, any commercial redistribution of all or any portion of the ATS Data or Derived Data. Rule 4553 defines ''Derived Data'' as data that are derived from ATS Data and that are not able to be (A) reverse engineered by a reasonably skilled user into ATS Data or (B) used as a surrogate for ATS Data.

[10] FINRA noted that, as with TRACE data, Vendors would be responsible for reporting entity usage as a result of their redistribution of the data.

[11] *See supra* note 4. On the 44th day after publication of the Notice, the Commission received a second comment letter on the proposal that raised similar points as the KOR Letter. *See* Letter from Theodore R. Lazo, Managing Director and Associate General Counsel, SIFMA, to Commission, dated May 29, 2014.

[12] *See* KOR Letter at 1–2.

[13] *See id.* at 3.

[14] *See id.*

[15] *See id.* at 2–3.

[16] *See* FINRA Letter at 3. FINRA also noted that the ADDS fees were intended to offset costs associated with providing the information. *See* Securities Exchange Act Release No. 68387 (December 7, 2012), 77 FR 74249, 74251 (December 13, 2012) (notice of filing of SR–FINRA–2012–053). *See also* Securities Exchange Act Release No. 68675 (January 16, 2013), 78 FR 4917 (January 23, 2013) (order approving SR–FINRA–2012–053).

[17] For example, FINRA noted Nasdaq OMX's Daily Share Volume (''DSV'') product, which provides some market transparency by MPID, rather than by ATS, with respect to aggregate volume executed through the NASDAQ OMX equity exchange facilities. *See* Securities Exchange Act Release No. 59580 (March 13, 2009), 74 FR 12169 (March 23, 2009).

[18] FINRA Letter at 4.

[19] *See id.* at 3.

[20] *Id.*

[21] *See id.* at 4. FINRA further stated that it will work with the requesting party to determine the scope of data requested, the form in which the data can be provided, and the extent to which the requesting party is permitted certain redistribution rights under a separate agreement. Furthermore, according to FINRA, as a general matter, academic-related research agreements provide that redistribution of data pursuant to the agreement is not considered commercial use or prohibited redistribution.

comment letters, and FINRA's response, and finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities association.[22] In particular, the Commission finds that the proposed rule change is consistent with Section 15A(b)(5) of the Act,[23] which requires, among other things, that the rules of an association provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using any facility or system that FINRA operates or controls.

The fees for ATS Data that FINRA is proposing to charge are structured similarly to fees for TRACE data, which the Commission previously has approved.[24] The ATS Data fees approved today, similar to TRACE fees, vary according to use, and the Commission believes that this use-based approach is consistent with equitable distribution of fees. Furthermore, the Commission previously has approved TRACE fees on the basis, in part, that they were reasonably related to the costs of developing the TRACE facility and to the estimated operating expenses of the TRACE system.[25] The proposed fees in this filing appear reasonably designed by FINRA to recover the costs of collecting and disseminating the ATS Data.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[26] that the proposed rule change (SR–FINRA–2014–018) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Kevin M. O'Neill,

Deputy Secretary .

[FR Doc. 2014–12889 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

[22] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78o–3(b)(5).

[24] *See, e.g.,* Securities Exchange Act Release No. 46145 (June 28, 2002), 67 FR 44911 (July 5, 2002) (order approving fees for TRACE).

[25] *See id.,* 67 FR at 44913.

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72278; File No. SR–ISEGemini–2014–14]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 28, 2014, ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to amend its rules relating to a pilot program to quote and to trade certain options in pennies (''Penny Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site *www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under the Penny Pilot Program, the minimum price variation for all participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot Program is currently scheduled to expire on June 30, 2014.[3] The Exchange proposes to extend the time period of the Penny Pilot Program through December 31, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot Program. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2014. The replacement issues will be selected based on trading activity for the six month period beginning December 1, 2013, and ending May 31, 2014. This filing does not propose any substantive changes to the Penny Pilot Program: all classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Basis

The basis under the Securities Exchange Act of 1934 (the ''Exchange Act'') for this proposed rule change is found in Section 6(b)(5), in that the proposed rule change is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the proposed rule change, which extends the Penny Pilot Program for an additional six months, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition. Specifically, the Exchange believes that, by extending the expiration of the Penny Pilot Program, the proposed rule change will allow for further analysis of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 71141 (December 19, 2013), 78 FR 78457 (December 26, 2013) (SR–TOPAZ–2013–21).

the Penny Pilot Program and a determination of how the Penny Pilot Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f)(6) thereunder.[5] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change as required by Rule 19b–4(f)(6).

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*); or
- Send an Email to *rule-comments@sec.gov*. Please include File No. SR–ISEGemini–2014–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISEGemini–2014–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *http://www.sec.gov/rules/sro.shtml.*

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be 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 ISE Gemini. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISEGemini–2014–14 and should be submitted by June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12946 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72279; File No. SR–ISE–2014–29]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

May 29, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 28, 2014, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend its rules relating to a pilot program to quote and to trade certain options in pennies (''Penny Pilot Program''). The text of the proposed rule change is available on the Exchange's Web site *www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under the Penny Pilot Program, the minimum price variation for all

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

participating options classes, except for the Nasdaq-100 Index Tracking Stock (''QQQQ''), the SPDR S&P 500 Exchange Traded Fund (''SPY'') and the iShares Russell 2000 Index Fund (''IWM''), is $0.01 for all quotations in options series that are quoted at less than $3 per contract and $0.05 for all quotations in options series that are quoted at $3 per contract or greater. QQQQ, SPY and IWM are quoted in $0.01 increments for all options series. The Penny Pilot Program is currently scheduled to expire on June 30, 2014.[3] The Exchange proposes to extend the time period of the Penny Pilot Program through December 31, 2014, and to provide revised dates for adding replacement issues to the Penny Pilot Program. The Exchange proposes that any Penny Pilot Program issues that have been delisted may be replaced on the second trading day following July 1, 2014. The replacement issues will be selected based on trading activity for the six month period beginning December 1, 2013, and ending May 31, 2014. This filing does not propose any substantive changes to the Penny Pilot Program: all classes currently participating will remain the same and all minimum increments will remain unchanged. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Basis

The basis under the Securities Exchange Act of 1934 (the ''Exchange Act'') for this proposed rule change is found in Section 6(b)(5), in that the proposed rule change is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, the proposed rule change, which extends the Penny Pilot Program for an additional six months, will enable public customers and other market participants to express their true prices to buy and sell options for the benefit of all market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

This proposed rule change does not impose any burden on competition. Specifically, the Exchange believes that, by extending the expiration of the Penny Pilot Program, the proposed rule change will allow for further analysis of the Penny Pilot Program and a determination of how the Penny Pilot Program should be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6) thereunder.[5] The Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the proposed rule change as required by Rule 19b–4(f)(6).

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*; or
- Send an Email to *rule-comments@sec.gov*. Please include File No. SR–ISE–2014–29 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–ISE–2014–29. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *http://www.sec.gov/rules/sro.shtml.*

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the ISE. 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–ISE–2014–29 and should be submitted by June 25, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–12947 Filed 6–3–14; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Exchange Act Release No. 71139 (December 19, 2013), 78 FR 78435 (December 26, 2013) (SR–ISE–2013–73).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Cloudeeva, Inc.; Order of Suspension of Trading

June 2, 2014.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cloudeeva, Inc. because Cloudeeva, Inc. has not filed any periodic reports for any reporting period subsequent to June 30, 2006.

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, June 2, 2014, through 11:59 p.m. EDT, on June 13, 2014.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2014–13039 Filed 6–2–14; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments

SUMMARY: The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** to solicit public comments on each collection of information before submitting it to OMB for approval, and to allow 60 days for the public to provide comments. This notice complies with such requirements and announces SBA's proposal to conduct a survey of the small business owners or potential owners who receive counseling and training through SBA's Women's Business Center (WBC) program.

DATES: Submit comments on or before August 4, 2014.

ADDRESSES: Send all comments to Scott Henry, Office of Entrepreneurial Development, Small Business Administration, 409 3rd Street SW., Room 60101, Washington, DC 20416. Comments must be received by the deadline in order to be considered.

FOR FURTHER INFORMATION CONTACT: Scott Henry, 202–205–6474, *wbcsurvey@sba.gov* or Curtis B. Rich, Management Analyst, 202–205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: The SBA's Women's Business Centers represent a national network of nearly 100 educational centers designed to assist women start and grow small businesses. WBCs operate with the mission to ''level the playing field'' for women entrepreneurs, who still face unique obstacles in the world of business. Through the management and technical assistance provided by the WBCs, entrepreneurs (especially women who are economically or socially disadvantaged) are offered comprehensive training and counseling on a variety of topics in many languages to help them start and grow their own businesses.

The SBA plans to conduct a web-based survey to understand to what degree the Agency's WBC programs and services help entrepreneurs start, manage and grow businesses. The survey will help determine customer satisfaction and the outcomes of the delivered business assistance services. Surveys will be completed by a sample of clients who received business assistance services at least one year ago. A minimum one year lag is desired to allow the business outcomes of the services to be observed. Because Women's Business Center offer both training and counseling services, clients who received either service will be included.

Solicitation of Public Comments

SBA is requesting comments on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: SBA's Women's Business Center (WBC) Client Survey.

Description of Respondents: WBC clients who received entrepreneurship counseling and/or training services.

Estimated Number of Respondents: 1,575.

Estimated Annual Responses: 1,575.

Estimated Annual Hour Burden: 158.

Curtis Rich,

Management Analyst.

[FR Doc. 2014–12866 Filed 6–3–14; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14005 and #14006]

NEW YORK Disaster #NY–00144

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of NEW YORK dated 05/28/2014.

Incident: Heavy Rain and Flooding

Incident Period: 04/29/2014 through 04/30/2014.

DATES: Effective Date: 05/28/2014.

Physical Loan Application Deadline Date: 07/28/2014.

Economic Injury (Eidl) Loan Application Deadline Date: 03/02/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Kings, Queens.

Contiguous Counties:

New York: Bronx, Nassau, New York, Richmond.

The Interest Rates are:

	Percent
For Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	4.375
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	2.188

	Percent
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE	6.000
BUSINESSES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
NON–PROFIT ORGANIZATIONS WITH CREDIT AVAILABLE ELSEWHERE	2.625
NON–PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	2.625
For Economic Injury:	
BUSINESSES & SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
NON–PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	2.625

The number assigned to this disaster for physical damage is 14005 6 and for economic injury is 14006 0.

The State which received an EIDL Declaration # is NEW YORK.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 28, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2014–12867 Filed 6–3–14; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8754]

Determination and Certification Under Section 40A of the Arms Export Control Act

Pursuant to section 40A of the Arms Export Control Act (22 U.S.C. 2781), and Executive Order 13637, as amended, I hereby determine and certify to the Congress that the following countries are not cooperating fully with United States antiterrorism efforts:

Cuba
Eritrea
Iran
Democratic People's Republic of Korea (DPRK, or North Korea)
Syria
Venezuela

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

Dated: May 12, 2014.

John F. Kerry,

Secretary of State.

[FR Doc. 2014–12966 Filed 6–3–14; 8:45 am]

BILLING CODE 4710–10–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting; Notice

AGENCY: State Justice Institute.

ACTION: Notice of Meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, June 16, 2014 at 1:00 p.m. The meeting will be held at the Scott M. Matheson Courthouse in Salt Lake City, Utah. The purpose of this meeting is to consider grant applications for the 3rd quarter of FY 2014, and other business. All portions of this meeting are open to the public.

ADDRESSES: Scott M. Matheson Courthouse, Judicial Council Room, 450 South State Street, Salt Lake City, Utah 84114.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov*.

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2014–12919 Filed 6–3–14; 8:45 am]

BILLING CODE 6820–SC–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2014–29]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 19, 2014.

ADDRESSES: You may send comments identified by Docket Number FAA–2014–0063 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267–9677, 800 Independence Ave. SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on May 29th, 2014.

Lirio Liu,

Director, Office of Rulemaking.

Petition For Exemption

Docket No.: FAA–2014–0063.
Petitioner: NorthStar Trekking, LLC.
Section of 14 CFR Affected: § 136.11(a).

Description of Relief Sought: NorthStar Trekking, LLC is seeking relief from equipping its helicopters with floats.

[FR Doc. 2014–12861 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Discretionary Funding Opportunities: Prior Year Section 5309 Bus and Bus Facilities Program (Ladders of Opportunity Initiative)

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Availability for FTA Bus and Bus Facilities Program, Ladders of Opportunity Initiative: Solicitation of Project Proposals.

SUMMARY: The Federal Transit Administration (FTA) announces the availability of prior year Section 5309 Bus and Bus Facilities Program discretionary funds for the Ladders of Opportunity Initiative in Fiscal Year (FY) 2014.

FTA will make available approximately $100 million from recoveries from the Section 5309 Bus and Bus Facilities Program authorized by the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Public Law 109–59 and prior authorizations. Additional recoveries or other unallocated program funding may result in additional funding for proposals submitted under this notice.

This notice solicits proposals to compete for funding under the aforementioned program and initiatives, and includes the priorities established by FTA for these discretionary funds, the criteria FTA will use to identify meritorious projects for funding, and the description of how to apply for funding under these discretionary programs. This announcement is available on the FTA Web site at: *http://www.fta.dot.gov.* A synopsis of this funding opportunity will be posted in the FIND module of the government-wide electronic grants Web site at *http://www.GRANTS.GOV.* FTA will announce final selections on the FTA Web site and may also announce selections in the **Federal Register**.

DATES: Complete proposals are due by 11:59 p.m. EDT on August 4, 2014; all proposals must be submitted electronically through the GRANTS.GOV APPLY function. Any agency intending to apply should initiate the process of registering on the GRANTS.GOV site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's Web site at *http:/www.fta.dot.govbus* and *http:/fta.dot.govcleanfuels* and in the ''FIND'' module of GRANTS.GOV.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate FTA Regional Office found at *http:/www.fta.dot.gov* for proposal-specific information and issues. For program-specific questions about applying for the programs outlined in this notice, please contact Sam Snead, Federal Transit Administration, phone: (202) 366–1089, fax: (202) 366–3475, or email, *Samuel.Snead@dot.gov* . A TDD is available at 1–800–877–8339 (TDDFIRS).

SUPPLEMENTARY INFORMATION:

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I. FTA Discretionary Program Overview

A. Authority

Bus and Bus Facilities Program

Section 5309(b) of Title 49, United States Code, as amended by Section 3011 of SAFETEA–LU, authorized FTA's Bus and Bus Facilities program as follows: ''The Secretary may make grants under this section to assist State and local governmental authorities in financing . . . capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations.''

While this program was not continued under the Moving Ahead for Progress in the 21st Century Act (MAP–21), funds are still available under this authority as a result of lapses in allocations or deobligations of funds originally made available prior to enactment of MAP–21.

B. Policy Priorities

Public transportation supports the development of communities, providing effective and reliable transportation options that increase access to jobs, recreation, health and social services, entertainment, educational opportunities, and other activities of daily life, while also improving mobility within and among these communities. Through various initiatives and legislative changes over the last fifteen years, FTA has allowed and encouraged projects that help integrate transit into a community through neighborhood improvements and enhancements to transportation facilities or services; make improvements to areas adjacent to public transit facilities that may facilitate mobility needs of transit users; or support other infrastructure investments that enhance the use of transit and other transportation options for the community.

This funding opportunity is a Ladders of Opportunity Initiative, which is designed to invest in projects that improve the mobility of Americans with transportation disadvantages and allow them a better chance of climbing Ladders of Opportunity towards economic self-determination. It focuses on serving groups for whom finding and maintaining stable, uplifting employment has long been an intransigent problem. The Ladders of Opportunity Initiative will invest in projects that fulfill the following principles:

1. Enhance Access to Work

Improve access for Americans with transportation disadvantages through reliable and timely access to employment centers, educational and training opportunities, services and other basic needs of workers.

2. Provide More Transportation Choices

Develop safe, reliable, and economical transportation choices to decrease household transportation costs, reduce our nation's dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health.

3. Support Existing Communities

Target Federal funding toward existing communities to increase community revitalization, improve the efficiency of public works investments, and safeguard rural communities.

4. Support Economic Opportunities

Improve economic opportunities by linking capital investments with local workforce development.

5. Support Partnerships

The forming of strong federal and local partnerships to address the mobility challenge. This includes bringing local workforce development, training, education, veterans, transportation and planning

stakeholders together with representation of key customer groups (people with low-incomes, people with disabilities, youths, veterans, elderly populations, etc.) to formulate a plan to address building Ladders of Opportunity in an area. Under MAP–21, Job Access projects were no longer required to be included in the locally coordinated public transit human services transportation plan (coordinated plan). However, to the extent that local areas address access to economic opportunity consistent with the Ladders of Opportunity policy priorities in the coordinated planning process, eligible projects derived from the coordinated planning effort could be considered for funding in this program.

II. Discretionary Program Initiative

A. Program Description and Purpose

This Ladders of Opportunity Initiative makes funds available to public transportation providers to finance capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities, including programs of bus and bus-related projects for assistance to subrecipients that are public agencies, private companies engaged in public transportation, or private non-profit organizations. Projects may include costs incidental to the acquisition of buses or to the construction of facilities, such as the costs of related workforce development and training activities, and project development.

B. Eligibility Information

1. Eligible Applicants

''Direct Recipients'' within the meaning of FTA's Section 5307 Urbanized Area Formula program, States, or Indian Tribes are eligible to submit proposals for this initiative. Except for projects proposed by Indian Tribes, proposals for funding eligible projects in rural (nonurbanized) areas must be submitted as part of a consolidated State proposal. States and Direct Recipients may also submit consolidated proposals for projects in urbanized areas.

Proposals shall contain projects to be implemented by the Recipient or its subrecipients. Eligible subrecipients include public agencies, private non-profit organizations, and private providers engaged in public transportation.

2. Eligible Expenses

Projects eligible for funding are capital projects such as: purchase, replacement, or rehabilitation of buses and vans, bus related equipment (including ITS, fare equipment, communication devices); and replacement, construction, expansion or rehabilitation of bus-related facilities (including administrative, maintenance, transfer, and intermodal facilities), and costs incidental to these purposes. In order to be eligible for funding, intermodal facilities must have adjacent connectivity with bus service.

Funds made available under this initiative may not be used to fund operating expenses, preventive maintenance, or other expanded capital eligibility items such as security drills or the establishment of a debt service reserve. However, costs incidental to the acquisition of buses, or construction of a facility (such as workforce development activities designed to ensure that current or future employees are properly trained in the use of the equipment or facility or project development related to deployment of the equipment or facility) may be eligible. Funds also may not be used to reimburse projects that have incurred previous expenses absent evidence that FTA issued a Letter of No Prejudice (LONP) for the project before the costs were incurred. Funds may not be used for projects where funds are already obligated in a grant. There is no blanket pre-award authority for projects to be funded under this announcement, although such authority will be granted when selected projects are identified in a subsequent **Federal Register** Notice.

3. Cost Sharing

Pursuant to 49 U.S.C. 5309(h)(1) under SAFETEA–LU, costs will be shared at the following ratio: 80 percent Federal/20 percent local contribution. FTA will not approve deferred local share requests under this program. Pursuant to 49 U.S.C. 5323(i)(1), the Federal share may exceed 80 percent for certain projects related to the Americans with Disabilities Act (ADA) (42 U.S.C. 12101, *et seq.*); and the Clean Air Act (CAA) (42 U.S.C. 7401, *et seq.*), as follows: (1) For vehicles acquired for purposes of complying with the ADA or CAA the Federal Share is 85 percent; (2) Federal share is 90 percent for the net project cost of vehicle-related equipment or facilities attributable to compliance with the ADA or CAA. The award recipient must itemize the cost of specific, discrete, equipment or facility-related items being purchased to be in compliance with the ADA or the CAA in order to qualify for the Federal share of 90 percent of the cost for these itemized elements.

A Federal share of 90 percent may also be applied to projects to provide access for bicycles to public transportation facilities, to provide shelters and parking facilities for bicycles in or around public transportation facilities, or to install equipment for transporting bicycles on public transportation vehicles. 49 USC 5319.

C. Evaluation Criteria, Review and Selection

1. Project Evaluation Criteria

FTA will evaluate projects based on the proposals submitted according to the following criteria. Each proposer is encouraged to demonstrate the responsiveness of a project to all of the selection criteria with the most relevant information that the proposer can provide, regardless of whether such information has been specifically requested or identified in this notice. FTA will assess the extent to which a project addresses the following criteria.

i. Support of Ladders of Opportunity Policy Priorities

FTA will evaluate each project to determine how it supports the following five Ladders of Opportunity Priniciples:

- Enhance access to work. FTA will evaluate whether the project will improve access for Americans with transportation disadvantages through reliable and timely access to employment centers, educational opportunities, services and other basic needs of workers.
- Provides More Transportation Choices. FTA will evaluate whether the project will significantly enhance user mobility through the creation of more convenient transportation options for travelers;
- Support Existing Communities. FTA will evaluate whether the project will increase community revitalization, improve the efficiency of public works investments or safeguard rural communities.
- Support Economic Opportunities. FTA will evaluate whether the project improves economic opportunities by linking capital investments with local workforce development.
- Support partnerships. FTA will evaluate the extent the applicant will form strong federal and local partnerships to address the mobility challenge. This includes the extent the applicant has or will bring local workforce development, training, education, veterans, transportation and planning stakeholders together with representation of key customer groups (people with low-incomes, people with disabilities, youths, veterans, elderly populations, etc.) to formulate a plan to address building Ladders of Opportunity in an area.

ii. Demonstration of Need

FTA will evaluate each project to determine its needs for resources. In addition to the project-specific criteria below, this will include evaluating the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA program formula allocations or State and/or local resources.

a. For bus projects (replacement, rehabilitation or expansion):

- The age of the asset to be replaced or rehabilitated by the proposed project, relative to its useful life.
- The degree to which the proposed project addresses a demonstrated and verifiable backlog of deferred maintenance.
- Consistency with the proposer's bus fleet management plan.
- Condition and performance of the asset to be replaced by the proposed project, as ascertained through field inspections or otherwise, if available.
- For expansion requests, the degree to which the proposed project will have a significant impact on service delivery and evidence of need for additional capacity to address Ladder of Opportunity Policy priorities.
- The project conforms to FTA's spare ratio guidelines.

b. For bus facility and equipment projects (replacement and/or expansion):

- The age of the asset to be rehabilitated or replaced relative to its useful life.
- The degree to which the proposed project addresses a demonstrated and verifiable backlog of deferred maintenance.
- The degree to which the proposed project will enable the agency to improve the maintenance and condition of the agency's fleet and/or other related transit assets.
- For expansion requests, the degree to which the proposed project addresses a current capacity constraint that is limiting the ability of the agency to address the policy priorities of the Ladders of Opportunity program that are listed above.

c. Planning and Local/Regional Prioritization: The extent to which the proposed project is consistent with planning documents and local priorities. This will involve assessing whether:

- Project is consistent with the transit priorities identified in the long range plan and/or contingency/illustrative projects or local coordinated plan. Proposer should note if project could not be included in the financially constrained Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) due to lack of funding (if selected, project must be in TIP and STIP before grant award).
- Local support is demonstrated by availability of local match and letters of support for the project.
- In an area with more than one transit operator, the proposal demonstrates coordination with, and support of, other transit operators, or other related projects within the proposer's Metropolitan Planning Organization (MPO) or the geographic region within which the proposed project will operate.

d. Project Readiness: The extent to which the project is ready to implement. FTA will assess whether:

- The project qualifies for a Categorical Exclusion (CE) or the required environmental work has been initiated or completed for construction projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under, among others, the National Environmental Policy Act of 1969, as amended.
- Project implementation plans are complete, including initial design of facilities projects.
- The TIP and/or STIP can be amended (evidenced by MPO/State endorsement).
- Project funds can be obligated and the project implemented quickly, if selected (within 12 months from time of award).
- The applicant demonstrates the ability to carry out the proposed project successfully.
- If the project is multimodal in nature, the proposal demonstrates coordination with and support of other transportation modes and partners.

e. Technical, legal, and financial capacity to implement the particular project proposed: FTA will evaluate whether:

- The proposer has the technical capacity to administer the project.
- For fleet replacement, the acquisition is consistent with the bus fleet management plan.
- There are no outstanding legal, technical, or financial issues with the grantee that would make this a high-risk project to implement quickly.
- The proposer has adequate financial systems in place and has identified the source of local match if selected (no deferred local share will be allowed).
- The grantee is in fundable status for grant-making purposes.

2. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will review proposals under the project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff reserve the right to screen and rate the applications it receives and to seek clarification from any applicant about any statement in its application that FTA finds ambiguous and/or request additional documentation to be considered during the evaluation process to clarify information contained within the proposal.

After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt of other discretionary awards may be considered in FTA's award decisions.

III. Proposal and Submission Information

A. Proposal Submission Process

Project proposals must be submitted electronically through *http://www.GRANTS.GOV* by the established due date. Mail and fax submissions will not be accepted. A complete proposal submission will consist of at least two files: (1) The SF 424 Mandatory form (downloaded from GRANTS.GOV) and (2) the supplemental form found on the FTA Web site at *http://www.fta.gov*. The supplemental form provides guidance and a consistent format for proposers to respond to the criteria outlined in this NOFA. Once completed, the supplemental form must be placed in the attachments section of the SF 424 Mandatory form. Proposers must use the correct supplemental form and attach it to their submission in GRANTS.GOV to successfully complete the application process. A proposal submission may contain additional supporting documentation as attachments.

Within 24–48 hours after submitting an electronic application, the applicant should receive three email messages from GRANTS.GOV: (1) Confirmation of successful transmission to GRANTS.GOV, (2) confirmation of successful validation by GRANTS.GOV and (3) confirmation of successful validation by FTA. If confirmations of successful validation are not received and a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check

the box on the supplemental form indicating this is a resubmission.

Complete instructions on the application process can be found at *http://www.fta.gov*. Important: FTA urges proposers to submit their applications at least 72 hours prior to the due date to allow time to receive the validation message and to correct any problems that may have caused a rejection notification. Submissions after the stated submission deadlines will not be accepted. GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV Web site *http://www.GRANTS.GOV*. Deadlines will not be extended due to scheduled maintenance or outages.

B. Proposal Content

Proposers may submit one proposal for each project or one proposal containing multiple projects. Proposers submitting multiple projects in one proposal must be sure to clearly define each project by completing a supplemental form for each project. Supplemental forms must be added within the proposal by clicking the ''add project'' button in Section II of the supplemental form.

Information such as proposer name, federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF 424 form and supplemental form. All fields are required unless stated otherwise on the forms. Use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms. Ensure that the federal and local amounts specified are consistent.

1. Applicant Information

This provides basic sponsor identifying information:

i. Applicant name and FTA recipient ID number.

ii. Applicant eligibility information,

iii. A general description of services provided by the agency including ridership, fleet size, areas served, etc.

2. Project Information/Evaluation Criteria

At a minimum, every proposal must:

i. Submit an SF–424 with the correct supplemental form attached.

ii. Describe concisely, but completely, the project scope to be funded. FTA may elect to fund only part of some project proposals. If applicable, the scope should be declared as ''scalable'' with specific components of independent utility clearly identified.

iii. Address each of the evaluation criteria separately, demonstrating how the project responds to each criterion.

iv. Provide a line-item budget for the total project, with enough detail to indicate the various key components of the project. As FTA may elect to fund only part of some project proposals, the budget should provide for the minimum amount necessary to fund specific project components of independent utility.

v. Provide the Federal amount requested.

vi. Document the matching funds, including amount and source of the match, demonstrating strong local or private sector financial participation in the project.

vii. Provide support documentation, including financial statements, bond-ratings, and documents supporting the commitment of non-federal funding to the project, or a timeframe upon which those commitments would be made.

viii. Provide a project time-line, including significant milestones such as the date anticipated to issue a request for proposals for vehicles, or contract for purchase of vehicle(s), and actual or expected delivery date of vehicles, or notice of request for proposal and notice to proceed for capital construction/rehabilitation projects.

C. Submission Dates and Times

Complete proposals for the Ladders of Opportunity Initiative must be submitted electronically through the GRANTS.GOV Web site by 11:59 p.m. EDT on August 4, 2014. Proposers are encouraged to begin the process of registration on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the Central Contractor Repository (CCR) is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions.

D. Award Information

Federal transit funds are available to Federally recognized tribes and State or local governmental authorities as recipients and other public transportation providers as subrecipients. There is no monetary floor or upper limit for any single grant award; however, FTA intends to fund as many meritorious projects as possible. In addition, geographic diversity and the applicant's receipt of other discretionary awards may be considered in FTA's award decisions. Consistent with 49 U.S.C. Section 5309(m)(8), as amended by SAFETEA–LU, the Secretary shall consider the age and condition of buses, bus fleets, and bus-related facilities and equipment of proposers in its award of Bus and Bus Facility grants.

E. Funding Restrictions

Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested.

IV. Award Administration

A. Award Notices

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects. There is no blanket pre-award authority for these projects before announcement.

B. Administrative and National Policy Requirements

1. Grant Requirements

If selected, applicants will apply for a grant through TEAM and adhere to the customary FTA grant requirements of the Section 5309 Bus and Bus Facilities program, including those of FTA Circular 9300.1B, Circular 5010.1D, and the labor protections of 49 U.S.C. Section 5333(b). All discretionary grants, regardless of award amount, will be subject to the Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

2. Planning

FTA encourages proposers to notify the appropriate State Departments of Transportation and MPO in areas likely to be served by the project funds made available under these initiatives and programs. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding.

3. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to

comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

4. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Reports in TEAM on a quarterly basis for all projects. Documentation is required for payment.

V. Agency Contacts and Technical Assistance

Contact the appropriate FTA Regional Office at *http://www.fta.dot.gov* for proposal-specific information and issues. For general program information, please use the contacts for each program identified in the front of this notice. Please contact the Grants.gov Helpdesk for assistance with electronic applications at *http://www.grants.gov* You may also contact *support@grants.gov* or call toll free (800) 518–4726.

For additional technical assistance, FTA will post answers to commonly asked questions at *http://ww.fta.gov*. FTA also expects to conduct webinars during the application period and will post this information on its Web site.

Issued in Washington, DC, this 29th day of May, 2014.

Dorval Carter, Jr.,

General Counsel.

[FR Doc. 2014–12925 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0080]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ATTITUDE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 7, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0080. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ATTITUDE is:

Intended Commercial Use of Vessel: ''Sightseeing charters''.

Geographic Region: ''Florida, Illinois''.

The complete application is given in DOT docket MARAD–2014–0080 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 29, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–12964 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0081]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ARCHANGEL; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 7, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0081. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ARCHANGEL is:

Intended Commercial Use of Vessel: ''The vessel will operate on an incidental charter with captain 6 or fewer passengers off the U.S. East coast in the Atlantic Ocean. This will be a pleasure sailing charter''

Geographic Region: ''Rhode Island, Massachusetts, New Hampshire and Maine''

The complete application is given in DOT docket MARAD–2014–0081 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 29, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–12971 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2014–0082]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BELLISSIMO GATTO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 7, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2014–0082. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BELLISSIMO GATTO is:

Intended Commercial Use of Vessel: ''Coastal Charters''.

Geographic Region: ''Florida''.

The complete application is given in DOT docket MARAD–2014–0082 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

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 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 29, 2014.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2014–12975 Filed 6–3–14; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

United States Mint

Information Collection Request

AGENCY: United States Mint, Department of the Treasury.

ACTION: Extension of public comment period.

SUMMARY: This document announces an extension of the time period for submitting comments on the notice, published on April 10, 2014, regarding factors identified as a result of the bureau's research and development efforts on alternative metals for circulating United States coinage.

The comment period is extended to Tuesday, June 24, 2014. The United States Mint is seeking input on specific factors the United States Mint identified in its *Alternatives Metal Study* submitted to Congress in December 2012. This study is available at the following Web site: *http://www.usmint.gov/about_the_mint/PDFs/United_States_Mint_Report_2012_Biennial_Report_to_the_Congress_on_the_Current_Status_of_Coin_*

Production_Costs_and_Analysis_of_Alternative_Content_December_2012.pdf, These factors include changes in weight, color, electromagnetic signature, environmental impact, and transition/implementation period.

DATES: The comment period for the notice regarding factors identified in the United States Mint's *Alternative Metals Study* published April 10, 2014 (79 FR 19971) is extended to June 24, 2014.

ADDRESSES: Submit electronic comments to *Coin.StakeholdersResponse@usmint.treas.gov.* Submit all written comments to Coin Stakeholders Response; Office of Coin Studies; United States Mint; 801 9th Street NW., Washington, DC 20220.

SUPPLEMENTARY INFORMATION: On April 10, 2014, the United States Mint published a request for comment in the **Federal Register** (79 FR 19971). The notice requested comment from coin industry stakeholders no later than 60 days from publication, June 10, 2014, regarding the following specific factors:

Costs to convert to circulating coins composed of alternative metals given the following possible changes to coins:

- Weight
- Electromagnetic signature
- Visual changes, such as color and relief
- Transition time needed to introduce a circulating coin composed of an alternative metal
- Comments on how best to inform and educate both affected industries and the public on changes to circulating coins
- Environmental impact from the use of circulating coins composed of alternative metals
- Other issues of importance not identified above

The National Armored Carriers Association (NACA) requested the United States Mint extend the comment period by 60 days. NACA stated that the additional time is necessary to provide an appropriate and comprehensive response.

Based on the NACA's request, the United States Mint believes that extending the comment period to allow additional time for coin industry stakeholders to submit comments is appropriate. Therefore, the United States Mint is extending the comment period until Tuesday, June 24, 2014, to provide stakeholders additional time to prepare and submit comments and will consider any comments received by that date.

FOR FURTHER INFORMATION CONTACT: Office of Coin Studies by calling 202–354–6600.

Authority: Public Law 111–302, section 2(a)(2) & (b)(3); 31 U.S.C. 5112(p)(3)(A)

Dated: May 29, 2014.

Richard A. Peterson,

Deputy Director, United States Mint.

[FR Doc. 2014–12853 Filed 6–3–14; 8:45 am]

BILLING CODE; P

FEDERAL REGISTER

Vol. 79 Wednesday,

No. 107 June 4, 2014

Part II

Federal Communications Commission

47 CFR Parts 1, 2, and 27

Commercial Operations in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz Bands; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 27

[GN Docket No. 13–185; FCC 14–31]

Commercial Operations in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz Bands

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts rules governing use of spectrum in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands that will make available significantly more commercial spectrum for Advanced Wireless Services. This additional 65 megahertz of spectrum for commercial use will help ensure that the speed, capacity, and ubiquity of the nation's wireless networks keeps pace with industry demands for wireless service. This is another step in implementing the Congressional directive in Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 to make more spectrum available for flexible uses.

DATES: Effective July 7, 2014 except for the amendment to 47 CFR 2.106 adding Fixed and Mobile allocations for the 2025–2110 MHz band to the Federal Table of Frequency Allocations, which will become effective after the Commission publishes a document in the **Federal Register** announcing the relevant effective date, and except for 47 CFR 2.1033(c)(19)(i)–(ii); 27.14(k), (s); 27.17(c); 27.50(d)(3); 27.1131; 27.1132; 27.1134(c), (f), which contain new or modified information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those sections.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. A copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554 or via the Internet at *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Ronald Repasi, Office of Engineering and Technology, at (202) 418–0768 or *Ronald.Repasi@fcc.gov* or Peter Daronco, Broadband Division, Wireless Telecommunications Bureau, at (202) 418–7235 or *Peter.Daronco@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918, or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's AWS–3 *Report and Order,* FCC 14–31, adopted and released on March 31, 2014 (corrected by *Erratum,* released on May 6, 2014. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, facsimile (202) 488–5563, or via email at *fcc@bcpiweb.com.* The complete text is also available on the Commission's Web site at *http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-14-31A1.docx.* Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418–7426, TTY (202) 418–7365, or via email to *bmillin@fcc.gov.*

Summary

1. With the *Report and Order,* we adopt rules governing use of spectrum in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands that will make available significantly more commercial spectrum for Advanced Wireless Services (AWS). We refer to these bands as AWS–3. This action is another step in implementing the Congressional directive in Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156 (2012) (Spectrum Act) to make more spectrum available for flexible uses. It also represents a milestone in speeding commercial access to bands through spectrum-sharing arrangements with incumbent Federal users. In particular, 40 megahertz in the band is being made available for commercial use pursuant to collaboration among the wireless industry and Federal agencies facilitated by the Commerce Spectrum Management Advisory Committee (CSMAC) chartered to advise the National Telecommunications and Information Administration (NTIA).

2. We will license the AWS–3 spectrum in two sub-bands. We will pair the 2155–2180 MHz band for downlink/base station operations with the 1755–1780 MHz band for uplink/mobile operations. The 2155–2180 MHz band is already currently allocated for non-Federal, commercial use. The 1755–1780 MHz band is being made available on a shared basis with a limited number of Federal incumbents indefinitely, while many of the Federal systems will over time relocate out of the band. We also adopt rules to allocate and license the 1695–1710 MHz band for uplink/mobile operations on an unpaired shared basis with incumbent Federal meteorological-satellite (MetSat) data users. We will assign AWS–3 licenses by competitive bidding, offering 5 megahertz and 10 megahertz blocks that can be aggregated using Economic Areas (EAs) as the area for geographic licensing, except for 1755–1760/2155–2160 MHz, which will be licensed by Cellular Market Areas (CMAs).

I. Background

3. *Section 6401 of the Spectrum Act.* In February 2012, Congress enacted the Spectrum Act. That Act includes several provisions designed to make more spectrum available for commercial use. It established, among other things, deadlines applicable to both the Secretary of Commerce and the Commission to identify, reallocate, auction, and license, subject to flexible use service rules, spectrum for commercial use. Specifically, the Spectrum Act requires the allocation of spectrum in the following bands for services that support commercial use: 25 megahertz at 2155–2180 MHz; an additional contiguous 15 megahertz to be identified by the Commission; 15 megahertz between 1675–1710 MHz, to be identified by NTIA by February 2013; and 10 megahertz at 1915–1920 MHz and 1995–2000 MHz, if the Commission finds no harmful interference to the neighboring Personal Communications Service (PCS) band. The Spectrum Act states that the Commission shall grant new initial licenses for all of these bands by February 2015. In June 2013 the FCC adopted service rules for the last of these four bands listed above (1915–1920 and 1995–2000 MHz, or the H Block) in a separate FCC proceeding and the Commission completed the H Block auction on February 27, 2014.

4. The Spectrum Act also amended the Commercial Spectrum Enhancement Act, Public Law 108–494, 118 Stat. 3986, 3991 (2004), codified at 47 U.S.C. 309(j), 923(g), 928 (CSEA). In 2004, the CSEA created the Spectrum Relocation

Fund (SRF) to streamline the process by which Federal incumbents can recover the costs associated with relocating their spectrum-dependent systems from spectrum bands authorized to be licensed under the Commission's competitive bidding authority. *See* 47 U.S.C. 309(j), 928. The Spectrum Act extended the CSEA cost reimbursement mechanism for Federal incumbents to include sharing as well as relocation costs, and to facilitate Federal incumbents sharing of spectrum with commercial users by expanding the types of expenditures that can be funded or reimbursed from the SRF. These changes are intended to permit agencies to receive funds associated with planning for Commission auctions and relocations, spectrum sharing, the use of alternative technologies, the replacement of existing government-owned equipment with state-of-the-art systems, and the research, engineering studies, and economic analyses conducted in connection with spectrum sharing arrangements, including coordination with auction winners. The Spectrum Act also created a new category of allowable pre-auction costs that may, in certain circumstances, be funded before the start of a Commission auction of licenses for applicable eligible frequencies.

5. The conclusion of any auction of eligible frequencies reallocated from Federal use to non-Federal use or to shared use is contingent on obtaining from such auction cash proceeds amounting to at least 110 percent of the total estimated relocation or sharing costs provided to the Commission by NTIA. Proceeds attributable to the 2155–2180 MHz, 1915–1920 MHz, and 1995–2000 MHz non-Federal bands must also be deposited in the PSTF. The Spectrum Act establishes the priority for making payments or deposits from the PSTF as amounts are deposited into the Fund. Spectrum Act section 6413(b), codified at 47 U.S.C. 1457(b). Once the relocation and sharing costs of the Federal incumbents are covered, however, the remainder of the proceeds attributable to eligible Federal frequencies required to be auction under the Spectrum Act must be deposited in the Public Safety Trust Fund (PSTF) rather than the SRF.

6. *CSEA Transition Planning Process.* The CSEA also requires the Commission to notify NTIA at least 18 months before the start of an auction of eligible frequencies and for NTIA to notify the Commission of estimated relocation and sharing costs associated therewith, and timelines for such relocation or sharing, at least 6 months before the start of the auction. On March 20, 2013, the Commission notified NTIA that it ''plans to commence the auction of licenses in the 1695–1710 MHz band and the 1755–1780 MHz band as early as September 2014'' in order to satisfy the Spectrum Act licensing deadline of February 2015. NTIA subsequently notified the affected agencies of their requirement to prepare transition plans.

7. As noted above, the Spectrum Act amended the CSEA to expand the types of costs for which Federal agencies can be reimbursed from the Spectrum Relocation Fund. It also required the Department of Commerce to adopt a common format for Transition Plans, create an expert Technical Panel to review the sufficiency of these transition plans, and adopt a process to resolve disputes regarding the execution, timing, or cost of transition plans. The Technical Panel consists of three members, one appointed by the Director of the Office of Management and Budget (OMB), one appointed by the Assistant Secretary of Commerce for Communications and Information, and one appointed by the Chairman of the Federal Communications Commission. Each member must be a radio engineer or a technical expert. 47 U.S.C. 923(h)(3)(B); *see* 47 CFR 301.100. The Technical Panel reviews each Federal entity's transition plan and reports on its sufficiency. 47 U.S.C. 923(h)(4); *see* 47 CFR 301.120.

8. The Spectrum Act amendments to the CSEA require Federal agencies authorized to use eligible frequencies to submit a Transition Plan to NTIA and the Technical Panel no later than 240 days (*i.e.,* 8 months) before the auction start date. The amendments further require the Technical Panel to submit to NTIA and the applying Federal agency a report on the sufficiency of the Transition Plan no later than 30 days after the submission of the plan (*i.e.,* 7 months, or 210 days, before the auction start date). NTIA must make the Transition Plans available on its Web site with the exception of classified and other sensitive information, no later than 120 days (*i.e.,* 4 months) before the auction start date. 47 U.S.C. 923(h)(5). *See also* Common Format for Federal Entity Transition Plans, Notice of Inquiry in Doc No. 130809701–3701–01, 78 FR 50396, Aug. 19, 2013.

9. *CSMAC Working Groups.* As discussed in the *AWS–3 NPRM,* NTIA established five joint government/industry working groups within its CSMAC to facilitate the implementation of services that support commercial use in the 1695–1710 MHz and 1755–1850 MHz bands. Working Group 1 (WG1) was charged with addressing sharing issues related to the 1675–1710 MHz band, while Working Groups 2–5 were charged with addressing sharing issues related to Federal operations in the 1755–1850 MHz band. WG1's final report, adopted by CSMAC on February 21, 2013, recommended that the Commission adopt a framework for reallocating the 1695–1710 MHz band for commercial use with ''Protection Zones.'' Under this framework, commercial operations could be freely deployed outside of these ''Protection Zones.'' Operations inside these ''Protection Zones,'' however, would require prior successful Federal coordination. With respect to the 1755–1850 MHz band, only WG2's final report was completed before the *AWS–3 NPRM* was released. The Commission noted that the record of the instant proceeding would be informed by NTIA's subsequent recommendations regarding CSMAC's then ongoing study of the potential for Federal/non-Federal spectrum sharing. If NTIA endorsed these reports, the Commission would add them to the record for commenters to discuss in comments, reply comments, or *ex parte* presentations, as appropriate, depending on the timing. *AWS–3 NPRM,* 28 FCC Rcd at 11491 para. 19. *See also* Wireless Telecommunications Bureau and Office of Engineering and Technology Exempt Certain *Ex Parte* Presentations in GN Docket No. 13–185, *Public Notice,* 28 FCC Rcd 12268 (2013).

10. *DoD Proposal.* The *AWS–3 NPRM* also sought comment on two specific proposals for facilitating wireless industry access to the 1755–1780 MHz portion of the 1755–1850 MHz band, including the Department of Defense Alternative Proposal (DoD Proposal). Letter from Karl B. Nebbia, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC, at 1 (July 22, 2013) (GN Docket No. 09–51, ET Docket 10–123) (*NTIA July 2013 Letter*). *See also id.,* Enclosure 1 (Letter from Teresa M. Takai, Chief Information Officer, DoD, to Lawrence E. Strickling, Assistant Secretary for Communications and Information, NTIA, U.S. Dept. of Commerce (July 17 2013). The other proposal was the ''Industry Roadmap.'' *See AWS–3 NPRM,* 28 FCC Rcd at 11514 para. 78. Under the DoD Proposal, the Commission would be able to auction licenses in the 1755–1780 MHz band in the near term, while protecting DoD's critical capabilities and preserving the flexibility necessary to address the long-term status of the remaining (1780–1850 MHz) portion of this band. DoD proposed to relocate most of its

operations out of the 1755–1780 MHz band by shifting and compressing some operations now at 1755–1850 MHz into the 1780–1850 MHz band and by relocating other operations on a shared basis to the 2025–2110 MHz band. DoD estimated the cost of implementing its proposal at $3.5 billion. *NTIA July 2013 Letter,* Enclosure 1. Under the DoD Proposal, DoD would not seek access to the 5150–5250 MHz band for telemetry. *NTIA July 2013 Letter,* Enclosure 1.

11. *NTIA Endorsement of CSMAC Reports and DoD Proposal.* In a letter filed with the Commission on November 25, 2013, NTIA endorsed the remaining CSMAC reports and transmitted final versions of all five reports to the Commission, which we added to the record of this proceeding. Letter from Letter from Karl B. Nebbia, Associate Administrator, NTIA Office of Spectrum Management to Julius Knapp, Federal Communications Commission at 1 (dated Nov. 25, 2013) (*NTIA November 2013 Letter*). NTIA also fully endorsed the DoD Proposal to relocate most of its operations out of the 1755–1780 MHz band and to gain additional access to the 2025–2110 MHz band by adding primary fixed and mobile allocations to the Federal Table of Frequency Allocations limited to certain military operations with protection and priority for non-Federal fixed and mobile operators in the Television Broadcast Auxiliary Service (BAS), the Cable Television Relay Service (CARS), or the Local Television Transmission Service (LTTS). NTIA clarified that coordination between military and these non-Federal operations should occur via a memorandum of understanding between the Federal and non-Federal fixed and mobile operators. Under this framework DoD operations would share the 2025–2110 MHz band with BAS, CARS, and LTTS, thus enabling DoD to relocate some military operations from the 1755–1780 MHz band to the 2025–2110 MHz band for those operations that could not compress into the 1780–1850 MHz band or could not relocate to other bands allocated for Federal use.

II. Discussion

A. Bands for AWS–3

12. In the *AWS–3 NPRM,* the Commission proposed AWS–3 service rules for the 1695–1710 MHz, 1755–1780 MHz, 2020–2025 MHz, and 2155–2180 MHz bands. We discuss each band below.

13. *1695–1710–MHz.* As discussed in the *AWS–3 NPRM,* in accordance with the Spectrum Act's mandate to identify new commercial spectrum for auction, NTIA identified 1695–1710 MHz for commercial services. The 1695–1710 MHz band is immediately below the AWS–1 uplink band at 1710–1755 MHz. The 1675–1700 MHz band segment is allocated to the meteorological aids service and restricted to radiosonde operation. This portion of the band is also allocated to the MetSat service and is restricted to space-to-Earth operation on a primary basis for Federal and non-Federal use. The 1700–1710 MHz segment is allocated to the fixed and MetSat service on a primary basis for Federal and on a secondary basis for non-Federal use, and restricted to space-to-Earth operation.

14. *Uplink Designation, Block Size and Service Area Size.* In the *AWS–3 NPRM,* to implement NTIA's endorsement of the CSMAC WG1 Final Report, the Commission proposed to limit use of the 1695–1710 MHz band to mobile/uplink operations subject to successful coordination with Federal incumbents prior to operation within 27 Protection Zones. To implement this coordination requirement, the Commission proposed to require all uplink operations in this band to transmit only when controlled by an associated base station. Such base stations located within the 27 Protection Zones would be subject to successful coordination prior to operation of the 1695–1710 MHz uplinks. Additionally, the Commission proposed to license the band in 5 megahertz blocks, noting that a minimum bandwidth of 5 megahertz was necessary to implement the technologies contemplated for the band, and proposed geographic area licensing utilizing 176 Economic Areas (EAs) as the service area size.

15. Commenters generally agree that we should allow only uplink operations in 1695–1710 MHz. Raytheon points out that the record is supportive of the Commission's proposal to limit operations in the band to uplink only while prohibiting fixed operations in these frequencies. T-Mobile does not oppose a requirement that uplink/mobile devices be under the control of, or associated with, a base station as a means to facilitate shared use of the band and prevent interference to Federal operations.

16. Regarding block and area sizes, most commenters agree with the Commission's proposal to license AWS–3 spectrum in 5 megahertz blocks and to implement geographical area licensing utilizing EAs for the 1695–1710 MHz band. Verizon supports auctioning the AWS–3 spectrum in a combination of 5 and 10 megahertz blocks as these offerings will facilitate the deployment of multiple technologies. DISH favors auctioning 1695–1710 MHz as a single, unpaired 15 megahertz band.

17. We conclude that operations in the 1695–1710 MHz should be limited to mobile/uplink operations for commercial operators, and that the band will not be available for fixed uses or air-to-ground operations. We note that the Commission's proposal in this regard was based on NTIA's endorsement of the CSMAC report, which assumed mobile operations up to 20 dBm EIRP, recommending that commercial use of this band be limited to low-power mobile (uplink) transmission. Furthermore, as Verizon notes, in determining the Protection Zones for these bands, the CSMAC did not consider the impact of high gain or tall antennas on government operations. Additionally, operations in the band will be subject to successful coordination with Federal incumbents in the 27 Protection Zones that we are adopting based on NTIA's endorsement of the CSMAC WG1 Final Report. We believe that the combination of low power, mobile uses along with the designation of the protection zones with coordination requirements will allow commercial and Federal users to co-exist successfully in the band protecting in-band and adjacent band meteorological-satellite receive stations. We also understand that Federal incumbents plan to develop and deploy real-time spectrum monitoring systems for the 1695–1710 MHz band. We will also require that uplink/mobile devices be under the control of, or associated with, a base station as a means to facilitate shared use of the band and prevent interference to Federal operations. The Protection Zones for the 1695–1710 MHz band are premised on the distance between the incumbent Federal operations and non-Federal base station(s) that will enable the AWS–3 uplink/mobile operations. Thus, even though the base station is receiving rather than transmitting in the 1695–1710 MHz band, its location inside a Protection Zone triggers the coordination requirement. As discussed in the CSMAC WG1 Final Report the 27 Protection Zones actually protect 47 individual federal MetSat receive stations. *See WG 1 Final Report* at Appendix 1.1 Table 1 for a complete list of MetSat receive stations that are protected. We discuss this requirement further below.

18. We will authorize and license the 1695–1710 MHz band by Economic Areas (EAs) in one 5 megahertz and one 10 megahertz block, which may be aggregated. Economic Areas are geographic areas established by the Bureau of Economic Analysis of the

Department of Commerce and used by the Federal Communications Commission to define the coverage of spectrum licenses for certain services. There are 172 EAs, plus 4 EA-like areas, which have been assigned Commission-created EA numbers: 173 (Guam and the Northern Mariana Islands), 174 (Puerto Rico and the United States Virgin Islands), 175 (American Samoa), and 176 (the Gulf of Mexico). *See* 47 CFR 27.6(a). Specifically, we will offer a 5 megahertz block at 1695–1700 MHz and a 10 megahertz block at 1700–1710 MHz. Offering the spectrum in 5 and 10 megahertz blocks will support the wide range of technologies contemplated for the band, and will match the configuration of other AWS–3 spectrum. The small 5 megahertz block will also facilitate the opportunity for new entrants and smaller businesses to acquire the right to use this spectrum. Because the blocks can be aggregated, potential bidders and future licensees also have the option to acquire the rights to use both blocks within an EA, *i.e.,* a 15 megahertz band as DISH suggests.

19. *Pairing.* In the *AWS–3 NPRM,* the Commission noted that the new AWS–3 band segments could be configured in any number of pairings or even auctioned on an unpaired basis and sought comment on a range of options. Commenters were asked to address whether and how the AWS–3 band segments should be paired, and were also asked to discuss the competitive effects of the available options. The Commission specifically noted CTIA's earlier proposal to designate 2095–2110 MHz for AWS downlink operations paired with 1695–1710 MHz and sought comment on CTIA's recommendation. In this regard, the Commission also noted prior opposition to CTIA's proposal including a feasibility study that NASA had prepared (NASA Study) and NTIA's statement that the NASA Study showed that high-density terrestrial base stations or user equipment operating co-frequency in the 2025–2110 MHz band would exceed established protection criteria for the Tracking and Data Relay Satellite System (TDRSS) spaceborne receivers by an average of 16.4 dB to 40.7 dB and that analysis of sharing with satellite systems of other administrations will likely show similar results.

20. Commenters strongly favor pairing the 1695–1710 MHz band. Moreover, commenters note that pairing the spectrum would allow aggregation of AWS–3 spectrum with AWS–1 spectrum, which would create significantly larger blocks of contiguous paired spectrum that would accommodate higher bandwidths offered by technologies. USCC points out that access to paired spectrum is particularly critical for small and regional carriers, who typically lack sufficient spectrum holdings to pair with newly-acquired spectrum blocks on an asymmetric basis. Thus, commenters state that offering 1695–1710 MHz on a paired basis would boost auction participation, provide for the creation of a single band class, internationally harmonize the spectrum, and result in significant economies of scale. Put differently, Verizon and other commenters state that auctioning the 1695–1710 MHz band as stand-alone uplink spectrum would render it ''virtually useless, as it is the downlink spectrum that carriers, both new and incumbent, most require to meet the skyrocketing demand for mobile broadband bandwidth.'' They note that auctioning 1695–1710 MHz as stand-alone supplemental uplink would significantly decrease the value of the spectrum, relative to auctioning it paired with downlink spectrum, and would limit both its uses and interested bidders. T-Mobile opines that seeking a brief delay of the statutory deadline would be preferable to auctioning and licensing the band unpaired. In contrast, Raytheon notes that there is no requirement in the Spectrum Act to pair this band.

21. Many commenters strongly preferred pairing 1695–1710 MHz with 2095–2110 MHz, which CTIA previously advocated due to the pair's important ability to use the same duplex spacing as the existing and adjacent AWS–1 band. Verizon likewise notes that because 2095–2110 MHz is directly adjacent to AWS–1, adopting this pairing configuration will provide a solid foundation for the next generation of wireless networks and services, including those that will utilize LTE-Advanced technology and ''could ultimately lead to a unified band plan for the 2 GHz spectrum: 1695–1920 MHz for uplink operations and 1930–2200 MHz for downlink operations.'' For this reason, T-Mobile and other commenters initially urged limited relocation of DoD's systems to 2095–2110 MHz.

22. In contrast, Raytheon and Boeing state that 2095–2110 MHz is not an acceptable pairing option for 1695–1710 MHz because the former band supports critical TDRSS communication, which may become critical for manned spaceflight programs, and is currently occupied by Federal users for satellite and non-Federal BAS operations. Raytheon notes that the NASA Study is a comprehensive analysis showing that shared use of 2095–2110 MHz with AWS operations is infeasible. In addition, Raytheon notes that DoD has proposed to relocate some operations in the 1755–1780 MHz band to the 2025–2110 MHz band. Verizon and others contend that the NASA Study is incomplete and that more information is needed from NASA to properly evaluate any technical challenges with additional uses of that band. Verizon states that while the study raises concerns that co-channel mobile services could cause satellite-to-satellite interference in the forward-link transmissions from NASA geostationary Tracking and Data Relay Satellite System (TDRSS) to Low Earth Orbit (LEO) satellites, it is impossible to assess the validity of modeling of propagation, antenna performance, LTE system characteristics, and satellite system characteristics without additional information from NASA. NASA subsequently provided additional information and updated its study to address the most current internationally-agreed parameters of commercial broadband mobile (LTE) systems. *See NTIA November 21013 Letter* Enclosure 6 ''NASA's reply to comments filed with the FCC in response to its AWS–3 NPRM regarding NASA's feasibility assessment for accommodation of mobile broadband long term evolution (LTE) systems in the 2025–2110 MHz band.'' Boeing states that the Updated NASA Study addresses the concerns raised about the initial NASA Study with respect to assuming unrealistically high numbers of transmitting handsets, and correspondingly high aggregate per city handset transmitter power levels. Specifically, Boeing explains that the initial NASA Study relied on the number of handsets specified by CSMAC Working Group 1, prior to the release of updated specifications by Working Party 5D of the International Telecommunications Union Radiocommunication Sector. Because CTIA and other wireless commenters are no longer pursuing the proposal to pair 2095–2110 MHz as the downlink band to be auctioned and licensed paired with 1695–1710 MHz, we reach no conclusions today regarding the initial or updated NASA Studies.

23. Notwithstanding the fact that the 2095–2110 MHz band initially received the most support as the pairing match for the 1695–1710 MHz band, the wireless industry subsequently recognized difficulties with pairing the 2095–2110 MHz band with the 1695–1710 MHz band. Specifically, the industry acknowledged that the challenges associated with Federal and

BAS incumbents in the band would lead to extreme difficulties with allocating, auctioning and licensing 2095–2110 MHz in time to meet the February 2015 deadline for licensing the 1695–1710 MHz band. Additionally, CTIA, the original proponent of this pairing now asserts that the Commission's highest priority is the clearing of the DoD services at 1755–1780 MHz, and points out that the DoD is actively working with the FCC, broadcasters and other Federal agencies to relocate from the 1755–1780 MHz band into a portion of the Broadcast Auxiliary Services at 2025–2110 MHz.

24. Commenters provided other suggestions on possible candidate bands for pairing with 1695–1710 MHz, but also identified serious or insurmountable obstacles with each suggested match. For example, citing a recent NTIA spectrum-monitoring report that, according to T-Mobile, suggests that the 1370–1390 MHz sub-band is lightly used, T-Mobile identified the 1370–1390 MHz band as a possible candidate for pairing with 1695–1710 MHz. But T-Mobile acknowledges technical limitations that weigh against this pairing, in that the 1370–1390 MHz band suffers from a lack of synergy with existing bands, which in turn would require the use of additional base station amplifiers and antennas.

25. In the *AWS–3 NPRM,* the Commission noted SBE's opposition to CTIA's proposal to use 2095–2110 MHz and its ensuing suggestion to instead consider 2360–2390 MHz as an option for pairing with 1695–1710 MHz. In response to this suggestion, AFTRCC responds that this is a principal band used for flight test telemetry and that an LTE allocation at 2360–2390 MHz would create threats to the continued effective operation of safety-of-life Aeronautical Mobile Telemetry (AMT) operations in the band, and would also jeopardize the successful deployment of Medical Body Area Network (MBAN) devices in hospitals and clinics throughout the country. Raytheon agrees that the 2360–2395 MHz band is not suitable for pairing with 1695–1710 MHz, not only because of its designation for primary flight testing, but also because it is designated for secondary medical telemetry uses. Moreover, Raytheon notes that the flight test operations occurring in 2360–2395 MHz are incompatible with both the fixed and mobile high density terrestrial operations that are contemplated for 1695–1710 MHz.

26. Finally, as another possible alternative, TIA suggests pairing 1695–1710 MHz with 2000–2020 MHz for downlink. However, TIA acknowledges that this pairing option is challenging in that it would require the adjustment of incumbents licensed for 2000–2020 MHz as well as the utilization of different duplex spacing and filters.

27. The comments do not identify any particular 15 megahertz of spectrum that can readily pair with 1695–1710 MHz. In the absence of any substantial record support for any such workable pairing at this time, we conclude that the 1695–1710 MHz band should be licensed in an unpaired configuration. We note that no regulation would prohibit licensees from pairing this uplink band with another present or future licensed downlink band. Indeed, our secondary markets and flexible use policies are designed to facilitate the configuration of licenses in their most productive economic use.

28. *1755–1780 MHz. Requirement to Identify 15 Megahertz of Contiguous Spectrum for Commercial Use.* As noted above, the Spectrum Act requires the Commission to identify 15 megahertz of contiguous spectrum for commercial allocation and licensing by auction. In the *AWS–3 NPRM,* the Commission sought comment on appropriate candidates to identify an additional 15 megahertz of contiguous spectrum for commercial use. The Commission proposed, as an example, the identification of the 25 megahertz of contiguous spectrum comprising the 1755–1780 MHz band. The Commission also sought general comment on the allocation of other frequencies in order to meet or surpass this requirement of the Spectrum Act, including CTIA's recommendation of 2095–2110 MHz as the additional 15 megahertz to be paired with 1695–1710 MHz. While several commenters supported CTIA's recommendation, as noted above the record developed on this issue reflects that neither the band identified by CTIA nor any other spectrum is readily available to auction and license paired with 1695–1710 MHz by the statutory deadline of February 2015.

29. Several commenters claim that the Commission cannot identify 1755–1780 MHz to meet the statutory requirement and/or that the statute requires us to identify a band that can be used for downlink operations paired with 1695–1710 MHz. According to CTIA, the legislative history of the Spectrum Act makes clear that Congress intended for the Commission to identify 15 megahertz in addition to the 1755–1780 MHz band. CTIA notes that an earlier version of the House bill would have required the Commission to identify 15 megahertz of contiguous spectrum as well as the 1755–1780 MHz band if technically feasible. This version of the bill also stipulated that the 15 megahertz identified by NTIA and the 15 megahertz identified by the FCC were to be paired together and, according to CTIA, ''this is a logical interpretation of the Spectrum Act, as an alternative reading would cause the 1695–1710 MHz band to be orphaned.'' T-Mobile agrees with CTIA that, based upon the Spectrum Act's parallel mandates that NTIA and the FCC each identify 15 megahertz of spectrum to be made available for commercial use, ''it seems 'apparent that Congress intended for these two 15 megahertz spectrum bands to complement one another through ready pairing for base and mobile station communications.' '' Mobile Future contends that, with the exception of the 2095–2110 MHz band, other spectrum bands considered in the *AWS–3 NPRM* should not be found to satisfy Spectrum Act's directive that the Commission identify another 15 megahertz of spectrum for commercial use.

30. Raytheon and NAB disagree with this statutory interpretation. According to Raytheon, ''Section 6401 of the Spectrum Act simply requires [that 15 MHz of contiguous spectrum] be allocated by the Commission and auctioned in 2015. There is no guidance as to where that spectrum is to be located or indication that it be paired with 1695–1710 MHz band or any other band. (Nothing precludes such a pairing, either.) Similarly, Section 6401 does not provide any direction that the 15 MHz to be auctioned from the 1675–1710 MHz band is to be auctioned on a paired basis. Were the Commission to allocate 1755–1780 MHz, for example, to AWS–3, that action would fully satisfy the unambiguous letter of the statute that an ''additional 15 MHz'' of spectrum be allocated for commercial broadband use, regardless of which band, if any, 1755–1780 MHz is paired. CTIA's argument that the legislative history supports a paired allocation for 1695–1710 MHz is unavailing [cite omitted]. Indeed, the fact the final House bill included a provision for 15 MHz in addition to 1755–1780 MHz, whereas the final legislation was silent on allocating 1755–1780 MHz and where the additional 15 MHz is to come from actually leads to the opposite conclusion, namely that 1755–1780 MHz can be the source of the ''additional 15 MHz'' that Congress requires be auctioned in addition to the specific spectrum bands identified in the Spectrum Act for auction.'' Raytheon Reply Comments at 7–8, n.18. NAB avers that if the Commission were to allocate 1755–1780 MHz, for

example, to AWS–3, that action would fully satisfy the unambiguous letter of the statute that an ''additional 15 MHz'' of spectrum be allocated for commercial broadband use.

31. We agree for the reasons set forth above by Raytheon and NAB that the language of the Spectrum Act permits the Commission to ''identif[y]'' *any* ''[f]ifteen megahertz of contiguous spectrum,'' without regard to its current use or whether it is paired or unpaired. The legislative history is not inconsistent with this plain language, as it shows that Congress did not adopt the House bill reflecting the contrary view. *See* H.R. 3630, 112th Cong. sections 4101(a)(2)(A), (b)(2) (2011) (as passed by the House, December 13, 2011). We note that where Congress intended to signal the pairing of bands (as some commenters suggest is the case for 1695–1710 MHz and the 15 megahertz to be identified by the Commission), it used explicit language. *See, e.g.,* H.R. 3630, 112th Cong. sections 4101(a)(2)(A), (b)(2) (2011) (as passed by the House, December 13, 2011); S. 911, 112th Cong. 2d Sess., section 302(c) (authorizing the Commission to combine 1755–1780 MHz and 2155–2180 MHz ''in an auction of licenses for paired spectrum blocks''). Tellingly, the bill as enacted did not include any requirement to auction ''paired'' spectrum. Accordingly, we are today adopting rules to allocate and license the 1755–1780 MHz band for commercial use, in satisfaction of the Spectrum Act's requirement for us to identify 15 megahertz of contiguous spectrum in addition to the bands specifically identified in the Act. To the extent this entire 25 megahertz band exceeds the requirement of the Spectrum Act to identify 15 megahertz, our action in coordination with NTIA to identify the entire band for commercial use is warranted as integrally related and reasonably ancillary to our mandate under the Spectrum Act (given its pairing with the 2155–2180 MHz band specified in that Act) as well as pursuant to our broad spectrum management authority under Title III of the Communications Act, as amended. The Spectrum Act grants the Commission authority to implement and enforce that Act ''as if . . . a part of the Communications Act of 1934.'' 47 U.S.C. 1403(a). *See also id.* sections 154(i), 303.

32. *Designation for AWS.* In the *AWS–3 NPRM,* the Commission, noting NTIA's report on Federal government use of the 1755–1780 MHz band (as part of the larger 1755–1850 MHz band) and the band's potential as an extension to existing AWS spectrum, proposed uplink mobile use of the band under technical rules similar to AWS–1 uplinks in the adjacent 1710–1755 MHz band. Such use would be subject to Federal requirements, including coordination with incumbent Federal users, emerging from the CSMAC process, if transmitted by NTIA. The Commission sought comment on various methods of sharing the 1755–1780 MHz portion of the 1755–1850 MHz band, including the use of Protection Zones, Exclusion Zones, and other measures. In case the CSMAC and NTIA were unable to recommend clearly defined sharing parameters, the Commission also sought comment on whether to issue ''overlay'' licenses that would permit new licensees to gain access to the 1755–1780 MHz band only if they are able to reach coordination agreements with affected Federal users, *i.e.,* ''operator-to-operator'' coordination. The Commission also sought comment on two additional proposals that addressed commercial use of the 1755–1780 MHz band: The ''Industry Roadmap'' submitted by members of the wireless industry and the ''DoD Proposal'' submitted by DoD. In the ''Industry Roadmap'' the wireless industry assessed Federal operations in the band and proposed to provide industry early access to the 1755–1780 MHz portion of the band. In the ''DoD Proposal,'' DoD also proposed to make the 1755–1780 MHz band available for auction in the near term, while protecting critical military capabilities. Specifically, DoD proposed to modify selected systems operating in the 1755–1780 MHz portion of the band to operate at both 1780–1850 MHz and 2025–2110 MHz, including Small Unmanned Aerial Systems, Tactical Targeting Network Technology, Tactical Radio Relay, and High Resolution Video Systems. DoD also proposed that its Precision Guided Munitions systems would be modified to operate at 1435–1525 MHz; that its Point-to-Point Microwave Links would be modified to operate at 7125–8500 MHz; and that its DoD Video Surveillance/Robotics systems would be modified to operate at 4400–4940 MHz. DoD further proposed that specific systems, namely Satellite Operations (SATOPS), Electronic Warfare (EW), Air Combat Training System (ACTS) (where required), and Joint Tactical Radio System (JTRS) at six sites, would continue to operate in the 1755–1780 MHz portion of the band, but would share that spectrum with commercial users. Finally, DoD proposed to compress its remaining operations into the 1780–1850 MHz portion of the band.

33. Apart from the statutory issue described above concerning the ''additional 15 megahertz of spectrum to be identified by the Commission,'' most commenters strongly favored the Commission's proposal to designate the 1755–1780 MHz band for commercial use. Commenters oppose the use of an overlay license approach to licensing the 1755–1780 MHz band, arguing that the use of such a licensing regime is premature until it is determined that clearing the spectrum for commercial users by relocation is not feasible and that mutual sharing mechanisms cannot be adopted. Issuing overlay licenses, the commenters further argued, would amount to consigning commercial mobile operations to secondary status, would create uncertainty about the nature of rights the licensee would obtain, and would be inconsistent with the Spectrum Act's preference to relocate Federal users to the maximum extent feasible. On the other hand, commenters were generally supportive of the Industry Roadmap and DoD's Proposal and urged the Commission to coordinate with NTIA to clear Federal operations from the 1755–1780 MHz portion of the 1755–1850 MHz band. CTIA argues, however, that DoD has not adequately explained or justified the need for the use of the 2025–2110 MHz band and asks why DoD needs to replace access to 25 megahertz of spectrum with access to 85 megahertz of spectrum.

34. On November 25, 2013, NTIA filed a letter enclosing and endorsing CSMAC's final reports and stating that it fully supports the DoD Proposal submitted to the Commission in July 2013, including DoD's proposal to modify certain military systems to operate at both 1780–1850 MHz, which is currently allocated for Federal use, and at 2025–2110 MHz, which is currently allocated for non-Federal fixed and mobile use and used by operators in the Broadcast Auxiliary Service (BAS), the Cable Television Relay Service (CARS), and the Local Television Transmission Service (LTTS).

35. We note at the outset that some of CSMAC's recommendations regarding sharing are overtaken by the DoD Proposal, under which DoD will relocate most of its operations out of the 1755–1780 MHz band. NTIA has fully endorsed the DoD Proposal and submitted additional details into the record. In light of these actions, we authorize the use of the 1755–1780 MHz band for commercial services in conformance with NTIA's endorsements, the DoD Proposal, and the Spectrum Act.

36. Regarding non-DoD Federal incumbents, NTIA endorsed the findings of WG2 that the two primary video surveillance systems operating in the 1755–1850 MHz band operate in all portions of the band at any time and at any location and thus cannot share the band with commercial operators. NTIA also endorsed WG2's recommendation that EAs to be transitioned should be ranked according to industry implementation priorities, but then clarified that the industry's prioritized list would serve as an input for consideration as agencies develop their transition plans.

37. NTIA responded to CTIA's claims that DoD has not explained the need for access to the 2025–2110 MHz band or why it needs to replace 25 megahertz of spectrum with access to 85 megahertz of spectrum. NTIA explained that because the military systems that are relocating from the 1755–1780 MHz band to the 2025–2110 MHz band must share the latter band with operators in the BAS, CARS, and LTTS services and must comply with the conditions in two new proposed footnotes to the Table of Frequency Allocations, DoD needs the additional spectrum to ensure that it can maintain comparable capability of current activities. Furthermore, according to NTIA, by having access to 85 megahertz of spectrum, the Federal operations will have the flexibility they need without limiting the existing non-Federal users. Under the two new footnotes that NTIA has proposed to the U.S. Table of Frequency Allocations, Federal operations would be limited to the military, and new military operations would be required to be coordinated, via a memorandum of understanding between the Federal and non-Federal fixed and mobile operators in the BAS, CARS, and LTTS.

38. *2155–2180 MHz.* In the *AWS–3 NPRM,* the Commission proposed downlink/base station use of the 2155–2180 MHz band. Because the 2155–2180 MHz band is immediately above the AWS–1 downlink band (2110–2155 MHz) and immediately below the AWS–4 downlink band (2180–2200 MHz), the Commission proposed to license the 2155–2180 MHz band under rules similar to those it adopted for AWS–1 and AWS–4. Commenters agreed with the Commission's proposal.

39. We adopt the proposal in the *AWS–3 NPRM* to authorize downlink/base station use of the 2155–2180 MHz band. Licensing the 2155–2180 MHz band under technical rules similar to those for the adjacent AWS–1 and AWS–4 spectrum efficiently manages the spectrum, will improve economies of scale for mobile device equipment manufacturing, and is consistent with global standards activity in this frequency range. Moreover, downlink operations in the 2155–2180 MHz band would be compatible with similar operations in the adjacent AWS–1 band (2110–2155 MHz) and AWS–4 band (2180–2200 MHz), thus avoiding the need for guard bands. It would also harmonize the rules applicable to 2155–2180 MHz with AWS–1 and AWS–4 downlink spectrum, thus efficiently managing the spectrum and improving economies of scale for mobile device equipment manufacturing. It would also permit stations already designed for AWS–1 to be easily modified to operate at 2155–2180 MHz band, thus allowing operators to quickly deploy this spectrum for consumer use.

40. *Band-Plan for 1755–1780 MHz and 2155–2180 MHz. Uplink/downlink designations and pairing.* In the *AWS–3 NPRM,* the Commission proposed to allow base and fixed, but not mobile, operations in the 2155–2180 MHz band and to allow mobile transmit operations (but to prohibit high-power fixed and base station operations) in the 1755–1780 MHz band. The Commission sought comment on a range of options that included configuring any of the AWS–3 bands in any number of pairings or auctioning any of the AWS–3 bands on an unpaired basis. Commenters favored allowing base and fixed, but not mobile, operations in the 2155–2180 MHz band and to allow mobile transmit operation (but to prohibit high-power fixed and base stations operations) in the 1755–1780 MHz band. Commenters overwhelmingly favored pairing the 1755–1780 MHz band with the 2155–2180 MHz band. According to Verizon, 43 countries are using this spectrum for commercial purposes and 17 of the G–20 countries have allocated this spectrum for commercial use. International harmonization will enhance international roaming, create economies of scale that lowers device costs, speed deployment, and reduce interference potential near international borders.

41. We agree with commenters that we should allow base and fixed, but not mobile, operations in the 2155–2180 MHz band and to allow mobile transmit operations in the 1755–1780 MHz band. We will also prohibit higher-power fixed and base station operations in the 1755–1780 MHz band. Designating the 1755–1780 MHz band for uplink/mobile transmit operations under service rules similar to AWS–1 is consistent with international standards in this frequency range, while designating the 2155–2180 MHz band for downlink operations is compatible with similar downlink operations in the adjacent AWS–1 band at 2110–2155 MHz and the AWS–4 band at 2180–2200 MHz. Moreover, by designating new downlink spectrum adjacent to existing downlink, the industry avoids having to add guard bands or impose significant technical limits between adjacent services, thereby increasing the amount and utility of usable spectrum. As discussed more fully below, we conclude that to facilitate coordination, uplink/mobile devices in the 1755–1780 MHz band must be under the control of, or associated with, a base station as a means to facilitate shared use of the band and prevent interference to Federal operations.

42. We also agree with commenters that there are many advantages to pairing these two bands. Pairing the 1755–1780 MHz band with the 2155–2180 MHz band adds 50 megahertz of AWS–3 spectrum to the existing 90 megahertz of AWS–1 spectrum. Thus pairing would allow carriers to combine AWS–1 and the 1755–1780/2155–2180 MHz band in a single 140 megahertz band. The 1755–1780/2155–2180 MHz pair would use the same duplex spacing as the existing AWS–1 band, thus facilitating the availability of new devices that can use this band. Allocation of the 1755–1780 MHz band for commercial use with 2155–2180 MHz also harmonizes the U.S. spectrum allocation of this band with international spectrum allocations. In summary, the record reflects that ''[t]he adjacency of these bands . . . will create efficiencies by allowing the same equipment to be used for AWS–1 and AWS–3. These benefits apply not only to network infrastructure, but also to end user equipment. This, in turn, will lower deployment costs and speed LTE buildout in this spectrum. As Motorola Mobility explained, '[t]here would be significant device design benefits to pursuing this pairing. Because the 1755–1780/2155–2180 MHz pairing is symmetrical to the AWS–1 band and has the same duplex spacing, this band could be supported by existing duplexers. . . [t]hese efficiencies mean that 1755–1780/2155–2180 MHz capabilities likely could be built into devices with minimal additional cost and without a significant impact on battery life, heat production, or other performance characteristics.''' CTIA Reply Comments at 5 quoting Motorola Mobility Comments at 11.

43. Despite these advantages, we note that the Commission is statutorily barred from concluding an auction for ''eligible spectrum'' such as the 1755–1780 MHz band if the total cash proceeds attributable to such spectrum

are less than 110 percent of total estimated relocation or sharing costs. *See* 47 U.S.C. 309(j)(16)(B), 1451(b)(3) (FCC shall not conclude any auction of eligible frequencies if the total cash proceeds attributable to such spectrum are less than 110 percent of total estimated relocation or sharing cost).

44. *Geographic Area Licensing; Service-area size(s).* In the *AWS–3 NPRM,* the Commission proposed to license all AWS–3 spectrum blocks by EAs and sought comment on alternative approaches. The Commission also sought comment on whether there are costs and benefits to adopting an EA licensing approach for bands to be shared with Federal users.

45. Commenters supported one of three different geographic licensing plans: The EA licensing approach proposed by the Commission; a licensing plan based on CMAs; and a hybrid licensing approach where some licenses are based on CMAs and some are based on EAs.

46. We find that there are benefits to adopting a hybrid licensing approach for this spectrum. We note that the Commission adopted a hybrid approach in licensing AWS–1 spectrum based on EAs, Regional Economic Area Groupings (REAGs), and CMAs. In this case, we adopt a hybrid approach and license the 1755–1780 MHz and 2155–2180 MHz bands on an EA and a CMA basis.

47. Adopting a hybrid licensing plan for this spectrum will enable us to achieve several statutory objectives and policy goals. Licensing some areas by CMA will encourage the dissemination of licenses among a variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women, as required by section 309(j) of the Act. Licensing the 1755–1780 and 2155–2180 MHz bands by EA and CMA we have struck the appropriate balance between the needs of large and small carriers. Licensing some areas by EAs will enable large carriers to minimize post-licensing aggregation costs. Also, because EAs are nested within MEAs and REAGs, large carriers will be able to aggregate their spectrum into even larger areas, with minimal aggregation costs. We also note that EA license areas are a useful and appropriate geographic unit that the Commission has used for similar bands. Notably, AWS–1 Blocks B and C are licensed on an EA basis. Licensing three spectrum blocks on an EA basis best balances the Commission's goals of encouraging the offering of broadband service both to broad geographic areas and to sizeable populations while licensing one block by CMAs will enable smaller carriers to serve smaller less dense population areas that more closely fit their smaller footprints. Thus, we further find that adopting this hybrid licensing plan will help us to meet other statutory goals, including providing for the efficient use of spectrum; encouraging deployment of wireless broadband services to consumers; and promoting investment in and rapid deployment of new technologies and services. We designate the spectral blocks for CMAs and EAs in the next section on Block size(s).

48. *Block size(s).* In the *AWS–3 NPRM,* the Commission proposed to license the 1755–1780 and 2155–2180 MHz bands on a geographical area basis in 5 megahertz blocks and sought comment on whether it should adopt a plan using different size blocks. Commenters favored one of two approaches: Licensing the band by 5 megahertz blocks or licensing the band using a combination of 5 and 10 megahertz blocks. Commenters favoring the first approach argue that 5 megahertz blocks align well with a variety of wireless broadband technologies (such as Long-Term Evolution (LTE), Wideband Code Division Multiple Access (W–CDMA), and High-Speed Packet Access (HSPA)), would increase wireless providers' flexibility in auction bidding, and can be aggregated to enable better performance for LTE service and greater bandwidth capacity through wider channels. Commenters that supported a combination of 5x5 megahertz and 10x10 megahertz blocks argue that a combination of license sizes maximizes both utility and efficiency.

49. We conclude that licensing the 1755–1780 and 2155–2180 MHz bands in a combination of 5 and 10 megahertz blocks will promote rapid deployment of new technologies and services for the reasons stated below. Thus we adopt the following licensing plan: Block G at 1755–1760/2155–2160; Block H at 1760–1765/2160–2165; Block I at 1765–1770/2165–2170 MHz; and Block J at 1770–1780/2170–2180 MHz. We further determine to license the 1755–1760/2155–2160 MHz bands by CMA, and to license the remaining paired blocks by EA.

50. Using a combination of 5 and 10 megahertz blocks and a combination of CMAs and EAs will permit licensees maximum flexibility. Such a combination enables both larger and smaller carriers to participate in an auction of licenses to use this spectrum. Moreover, as commenters note, 5 megahertz blocks align well with a variety of wireless broadband technologies, including LTE, W–CDMA, and HSPA. The larger 10 megahertz block will afford larger carriers the ability to offer higher-bandwidth services, as is common in the 10 megahertz AWS–1 blocks. Such a combination may also facilitate coordination with incumbent Federal agencies. For example, designating the 1755–1760 MHz/2155–2160 MHz as the first channel block avoids frequency overlaps and minimizes potential co-channel interference issues with the Space Ground Link System (SGLS), which operates from 1761–1842 MHz.

51. *2020–2025 MHz.* The 2020–2025 MHz band is already allocated for the non-Federal fixed and mobile services and is part of the 35 megahertz (1990–2025 MHz) that the Commission repurposed in 2000 from BAS to emerging technologies such as Personal Communications Services (PCS), AWS, and Mobile Satellite Service (MSS). This repurposing was possible because BAS converted nationwide from seven analog channels (each 17–18 megahertz wide) to seven digital channels (each 12 megahertz wide). In 2004, the Commission proposed to license 2020–2025 MHz for uplink/mobile use paired with 2175–2180 MHz. The Commission did not adopt this proposal and, in 2008 it proposed instead to combine 2175–2180 MHz and 2155–2175 MHz, to make a larger unpaired block at 2155–2180 MHz. The Commission did not make a further proposal for the 2020–2025 MHz band immediately above the AWS–4 uplink band (2000–2020 MHz).

52. In the *AWS–3 NPRM,* the Commission proposed uplink/mobile use of 2020–2025 MHz under rules similar to the AWS–4 rules. Although the Commission did not propose to modify the allocation for this band in the *AWS–3 NPRM,* we proposed changes to several related footnotes in the Table of Frequency Allocations.

53. T-Mobile agrees that 2020–2025 MHz should be cleared to the maximum extent possible and auctioned on a paired basis. T-Mobile states that one option would be for the Commission to consider providing DoD with access to the 2020–2025 MHz band if doing so would allow the 15 megahertz at 2095–2110 MHz to be paired with 1695–1710 MHz. However, T-Mobile states that the most appropriate use of the 2020–2025 MHz band is contingent on the outcome of the then-pending waiver request sought by DISH for flexibility to use 2000–2020 MHz for terrestrial downlink. USCC strongly urges the Commission to focus on maximizing the amount of paired spectrum in deciding which bands to license under the AWS–3 service rules. It argues that

access to paired spectrum is particularly critical for small and regional carriers that typically lack sufficient spectrum holdings to pair with newly-acquired spectrum blocks on an asymmetric basis.

54. The 2020–2025 MHz band is adjacent to the AWS–4 uplink band at 2000–2020 MHz and BAS/CARS/NASA uses at 2025–2110 MHz band. These adjacent uses create challenges with respect to the allocation of this spectrum. EIBASS notes that the band may be at risk of interference from higher-power Electronic News Gathering (ENG) transmitters operating in the 2025–2110 MHz TV BAS band (up to 65 dBm EIRP for ENG platforms vs. 33 dBm EIRP for AWS handsets). This interference would come and go on a seemingly random basis as a mobile ENG transmitter is used near an AWS base station location. This could be a challenge to the AWS user as it appears cellular/AWS use is higher at or near locations of newsworthy events, the same events that ENG trucks would be transmitting from. EIBASS notes that DISH has raised the same concern but notes that broadcasters have dealt with high-power PCS/AWS, specialized filters have been developed, and TV BAS into AWS interference should be a manageable problem.

55. DISH states that designating mobile operation in the 2020–2025 MHz band would make this band vulnerable to significant interference from adjacent Federal government and BAS users above 2025 MHz. DISH states that EIBASS agrees that BAS operations would cause interference to 2020–2025 MHz uplink operations. Regarding EIBASS's view that such interference would be manageable based on PCS/AWS filtering solutions, DISH responds that the existing PCS/AWS to BAS scenario is not representative of the more problematic scenario of interference from BAS into base stations receiving low-power, mobile uplink transmissions in the 2020–2025 MHz band. On the other hand, if 2020–2025 MHz is used for downlinks, DISH agrees with EIBASS that coordination and filtering similar to that used for AWS–1 could be used to protect BAS. Referencing its then-pending waiver request to be able to elect to utilize the 2000–2020 MHz band for downlink operations,'' DISH suggests that the Commission designate 2020–2025 MHz for downlink use if the adjacent AWS–4 band is also used for downlink. If adjacent AWS–4 band is used for uplink operations, DISH states that 2020–2025 MHz also should be designated for uplinks because downlink operations would cause interference to AWS–4 uplink operations, absent severe power and OOBE restrictions to protect AWS–4 uplink operations.

56. T-Mobile and other commenters believe that the Commission may wish to evaluate how best to use the 2020–2025 MHz band but the future use of the 2020–2025 MHz band is uncertain until DISH decides whether it will be using the adjacent AWS–4 spectrum at 2000–2020 MHz for uplink or downlink operations. Sprint supports the auction of 2020–2025 MHz, and recommends that the Commission postpone making a determination on whether the band should be uplink or downlink until after it resolves DISH's waiver petition and Dish makes its election. T-Mobile states that until that time, it is premature to consider whether it may be used to support commercial wireless operations.

57. On December 20, 2013, the Wireless Telecommunications Bureau granted DISH's request, subject to certain conditions, for flexibility to elect to use 2000–2020 MHz for either uplink or downlink operations. One of the conditions requires DISH to file its uplink or downlink election, which shall apply to all AWS–4 licenses, as soon as commercially practicable but no later than 30 months after the December 20, 2013, release date of the Bureau's order. Auctioning and licensing of the 2020–2025 MHz band is not governed by the February 2015 deadline in the Spectrum Act. We agree with some commenters that the public interest is best served by deferring action on the 2020–2025 MHz band, without prejudice to the ultimate disposition of service rules for that band.

B. Technical Rules

58. In addition to protecting other operations that will remain in the AWS–3 bands, as discussed above, we noted in the *AWS–3 NPRM* that our AWS–3 rules must take into account the potential for AWS–3 operations to cause harmful interference to operations in other service areas, in other AWS–3 blocks and in adjacent frequency bands, including both Federal and non-Federal operations. The AWS–3 NPRM therefore sought comment on what technical and operational rules were needed to protect these various services from harmful interference. Where possible, we proposed to adopt for AWS–3 the same technical requirements as apply to AWS–1, where our experience indicates that the requirements have facilitated good service while minimizing undesirable interference, and to AWS–4. However, we recognized that specific AWS–3 spectrum considerations may warrant different requirements, and we asked commenters to address any specific technical rules that they believe necessary for specific AWS–3 bands.

59. With respect to adjacent bands, two predominant types of interference can occur. The first is caused by out-of-band emissions (OOBE) that fall directly within the passband of an adjacent-band receiver. Such emissions cannot be ''filtered out,'' and can only be mitigated through appropriate operation of the transmitter. The second type of interference is caused by ''receiver overload.'' Receiver overload interference occurs when a strong signal from an adjacent band transmission falls just outside the passband of a receiver, where the front-end filter of the receiver can provide only limited attenuation of the unwanted signal. Our rules generally limit the potential for both kinds of interference by specifying OOBE and power limits.

1. OOBE Limits

60. For situations where adjacent spectrum blocks are put to similar uses, our rules commonly require that out-of-band emissions be attenuated below the transmitter power in watts (P) by a factor of not less than $43 + 10 \log_{10}$ (P) dB outside of the licensee's frequency block. Where stricter OOBE limits apply, it is typically because adjacent spectrum blocks are put to different uses—high-power downlink in one block and low-power uplink in the other, for example—or because other special protection requirements exist. Section 27.53(h)(1) of our rules applies this standard limit to AWS–1, and § 27.53(h)(3) specifies the measurement procedure required to determine compliance with the OOBE standard. The *AWS–3 NPRM* sought comment on extending these requirements to the AWS–3 bands.

61. *Interference Protection between Adjacent Block AWS–3 Licensees.* As the *AWS–3 NPRM* noted, we anticipate that the characteristics of the future AWS–3 band systems will be essentially identical to those of AWS–1. For this reason, the *AWS–3 NPRM* proposed that the typical OOBE attenuation factor of $43 + 10 \log_{10}$ (P) dB is appropriate to protect AWS–3 services operating in adjacent spectrum blocks. No commenter objected to this proposal, and the record does not suggest the presence of any circumstances requiring special OOBE protection for adjacent AWS–3 spectrum blocks. We therefore adopt an attenuation factor of $43 + 10 \log_{10}$ (P) dB for emissions outside of AWS–3 licensees' frequency blocks into other AWS–3 frequency blocks.

a. Interference Protection to Services in Other Bands—Uplink Stations Operating in 1695–1710 MHz and 1755–1780 MHz

62. *Interference protection to operations below 1695 MHz. Meteorological operations:* The 1695–1710 MHz AWS–3 uplink band is adjacent to satellite downlink spectrum at 1675–1695 MHz, which is allocated for Federal and non-Federal satellite use. The rules for the AWS–1 uplink band at 1710–1755 MHz include an OOBE attenuation factor of our standard 43 + 10 $\log_{10}$ (P) dB in order to protect satellite downlink spectrum currently below 1710 MHz. In addition, § 27.1134(c) of the rules provides that should AWS–1 operations in the 1710–1755 MHz band cause interference to Federal Government operations below 1710 MHz, the AWS–1 licensee must take steps to eliminate the interference. The *AWS–3 NPRM* stated that the services used in this AWS–3 band will be similar to those in the AWS–1 band, and that the repurposing of 1695–1710 MHz essentially just shifts the boundary between AWS uplink and satellite downlink services down from 1710 to 1695 MHz. Accordingly, the *AWS–3 NPRM* proposed to specify the same OOBE attenuation factor for this AWS–3 uplink band as applies to the adjacent AWS–1 uplink band, the standard 43 + 10 $\log_{10}$ (P) dB, and to extend the obligations of § 27.1134(c) to AWS–3 operations in the 1695–1710 MHz band.

63. One commenter expressed concern that the standard OOBE limit may not provide adequate protection for adjacent-band Meteorological Satellite operations. Raytheon argued that, ''[b]efore the Commission adopts an OOBE limit applicable at the 1695 MHz band edge for AWS–3 systems, sufficient testing and/or analysis should be completed to support the Commission's determination in light of the [Emergency Managers Weather Information Network] and other operations below 1695 MHz.'' Raytheon errs in focusing on just one part of the regime we are establishing to protect the 1675–1695 MHz band. The OOBE attenuation factor functions together with the interference-resolution provisions of § 27.1134(c). This combination has worked satisfactorily for the AWS–1 service, and we believe it will serve equally well for AWS–3.

64. *Global Positioning System operations:* GPS operates in the 1559–1610 MHz Radionavigation-Satellite band, (47 CFR 2.106) with a center frequency of 1575.42 MHz and a maximum bandwidth of 20.46 MHz, thus occupying the frequencies 1565.19–1585.65 MHz. The GPS Innovation Alliance (GPSIA) argued that the proposed OOBE limit for the 1695–1710 MHz band ''is no longer effective [in preventing interference to the Global Positioning System (GPS)] given the dramatic increase in RF devices and the [RF] noise floor.'' It recommended that the Commission defer adopting an OOBE limit, and instead participate in a multi-stakeholder task group to develop new GPS spectrum interference standards. CTIA countered that ''these issues are best addressed in other fora, and [that] the Commission should not allow these speculative interference concerns to delay this critical spectrum auction.''

65. The Commission has long recognized the importance of GPS and our responsibility to ensure that it receives appropriate interference protection from other radiocommunication services. However, GPSIA's arguments that the proposed OOBE limit *may* present some risk of interference do not warrant deferring action on the proposed OOBE limit. GPSIA does not support its claims with technical studies and apparently makes worst-case assumptions regarding emissions from AWS–3 mobiles; *i.e.,* ''if appropriate standards are not adopted, manufacturers could begin to produce devices designed with degraded OOBE performance. . . .'' In fact, as GPSIA implicitly concedes, industry standards developed for each radio interface meet or exceed the Commission's OOBE limits, often by significant amounts, and thereby provide an additional margin of interference protection. In addition, parties are free to negotiate private agreements for additional protection, as was the case with the AWS–4 spectrum. *See AWS–4 Report and Order,* 27 FCC Rcd at 16152–53 paras. 121–22. These standards are developed through open working groups, which GPSIA would be free to participate in. Most significantly, however, there is no evidence—in either the record here or our experience generally—that operations in the AWS–1 band have resulted in harmful interference to GPS. AWS–1 handsets and GPS receivers coexist satisfactorily, even when they reside on the same device. The technical operation in the AWS–1 band is virtually identical to what was proposed for this AWS–3 band: Both bands would be populated by low-power mobile devices, both would be governed by the standard 43 + 10 $\log_{10}$ (P) dB OOBE attenuation factor, and both are similarly separated in frequency from the GPS band. In short, for all these reasons, we believe the possibility of harmful interference to GPS is extremely unlikely.

66. Further, suspending this proceeding to reexamine interference standards would likely make it impossible to meet the statutory requirement that this spectrum be licensed by February 2015. In light of our findings above, we believe that the better course is to proceed based on the record herein. Of course we will continue to explore new ways to maximize spectrum efficiency. For example, in ET Docket No. 13–101 we are considering recommendations of the Commission's Technological Advisory Council regarding the use of harm claim thresholds to improve the interference tolerance of wireless systems. Such proceedings provide a more appropriate vehicle to consider evolution of regulatory requirements, including how to transition incumbents to new standards, if that should be necessary.

67. We therefore adopt for the 1695–1710 MHz band an OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB below 1695 MHz.

b. Interference Protection to Operations Above 1710 MHz

68. The 1695–1710 MHz AWS–3 uplink band is adjacent to AWS–1 uplink spectrum at 1710–1755 MHz. Because we anticipate that the services used in these adjacent bands will be similar, the *AWS–3 NPRM* proposed to specify the same OOBE attenuation factor for this AWS–3 band as applies to the adjacent AWS–1 band, the standard 43 + 10 $\log_{10}$ (P) dB. No commenter objected to this proposal, and the record does not suggest the presence of any circumstances requiring special OOBE protection for the adjacent AWS–1 band. We therefore adopt for this band an OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB above 1710 MHz.

69. *Interference protection to operations below 1755 MHz.* Likewise, the 1755–1780 MHz AWS–3 uplink band is adjacent to AWS–1 uplink spectrum at 1710–1755 MHz, where we anticipate similar use. Thus the *AWS–3 NPRM* again proposed the same OOBE attenuation factor for this AWS–3 uplink band as applies to the adjacent AWS uplink band, 43 + 10 $\log_{10}$ (P) dB. Again, no commenter objected to this proposal, and the record does not suggest the presence of any circumstances requiring special OOBE protection for the adjacent AWS–1 band. We therefore adopt for this band an OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB below 1755 MHz.

70. *Interference protection to operations above 1780 MHz.* The 1755–1780 MHz AWS–3 uplink band is

adjacent to Federal operations at 1780–1850 MHz. The *AWS–3 NPRM* observed that the proposal to designate this band for AWS–3 use would merely shift the boundary between AWS and adjacent-band services, with no significant change in the uses on either side of the boundary. The *AWS–3 NPRM* therefore proposed to maintain the OOBE attenuation factor for the present boundary (*i.e.,* the AWS–1 limit) for this AWS–3 band, again the standard 43 + 10 $\log_{10}$ (P) dB. No commenters dissented from this proposal, and the record does not suggest the presence of any circumstances requiring special OOBE protection for the adjacent Federal operations. We therefore adopt for this band an OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB above 1780 MHz.

c. Interference Protection to Services in Other Bands—Base Stations Operating in 2155–2180 MHz

71. The 2155–2180 MHz AWS–3 downlink band lies between AWS–1 downlink spectrum at 2110–2155 MHz and AWS–4/MSS downlink spectrum at 2180–2200 MHz. Because we anticipate that operations in 2155–2180 MHz and in the adjacent downlink bands will be similar, the *AWS–3 NPRM* proposed that our standard OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB would be sufficient to protect AWS–1 and AWS–4/MSS receivers operating in the adjacent bands. No commenters objected to this proposal, and the record does not suggest the presence of any circumstances requiring special OOBE protection for the adjacent AWS–1 and AWS–4/MSS bands. Therefore, we adopt for this band an OOBE attenuation factor of 43 + 10 $\log_{10}$ (P) dB both below 2155 MHz and above 2180 MHz.

d. Measurement of OOBE

72. The Commission's rules generally specify how to measure the power of the emissions, such as the measurement bandwidth. For AWS–1, AWS–4 and PCS, the measurement bandwidth used to determine compliance with this limit for fixed, mobile, and base stations is generally 1 megahertz, with some modification within the first megahertz immediately outside and adjacent to the licensee's frequency block. The *AWS–3 NPRM* proposed to apply this same method to all transmissions in the AWS–3 bands, and sought comment on this proposal. The only party commenting on this proposal supported it. Since there is no opposition to our proposal, and in order to treat the AWS–3 bands in an equivalent manner to other similar bands, we therefore adopt the same requirement for AWS–3 emission limits.

2. Antenna Height Restrictions

73. The *AWS–3 NPRM* proposed that the flexible antenna height rules applicable to AWS–1 base stations should also govern AWS–3 base stations. In addition, since the *AWS–3 NPRM* proposed not to authorize fixed operations in the 1695–1710 MHz and 1755–1780 MHz bands, it tentatively concluded that no special antenna height restrictions are needed for those bands.

74. *Base Stations (2155–2180 MHz).* Part 27 of the Commission's rules does not set out specific antenna height restrictions for AWS–1 base stations. However, pursuant to § 27.56, all services operating under part 27 are required to limit base station antenna heights to elevations that do not present a hazard to air navigation. Additionally, the limitations of field strength at the geographical boundary of the license discussed below effectively limit antenna heights. As a result, because of these inherent height limitations, the *AWS–3 NPRM* proposed that unique antenna height limits were not needed for AWS–3 facilities, and that the general height restrictions of part 27 would be sufficient.

75. The only comments addressing the issue supported this proposal. As the *AWS–3 NPRM* noted, two rules effectively limit base station antenna heights: § 27.56 regarding safety of air navigation and § 22.55(a) limiting the field strength of base station signals at the edge of a licensee's geographic service area. In addition, Motorola commented that ''the need for spectral reuse'' provides a third inhibitor of base station antenna height. For all these reasons, we find no need for a special restriction on the antenna height of AWS–3 base stations operating in the 2155–2180 MHz band.

76. *Fixed Stations (1695–1710 MHz and 1755–1780 MHz).* The *AWS–3 NPRM* proposed to prohibit fixed stations in the 1695–1710 MHz and 1755–1780 MHz bands, because in defining Protection Zones, CSMAC's assumptions did not consider the possibility of commercial fixed uplinks. A fixed station is ''a station in the fixed service,'' which consists of stations at specified fixed points that communicate with each other. 47 CFR 27.4. The *AWS–3 NPRM* therefore tentatively concluded that no antenna height limit would be necessary for these bands. Only one party specifically addressed this issue: Verizon stated that ''the authorization of fixed high gain antennas in these bands could cause interference to government operations and thus the FCC should prohibit their use in these bands.'' We believe that permitting fixed stations in these uplink bands would unduly complicate sharing with Government incumbents, and that the lack of comments asking us to provide for fixed station use in these bands indicates there is no significant demand for it. We therefore adopt the *AWS–3 NPRM's* proposal to prohibit fixed stations from operating in the 1695–1710 MHz and 1755–1780 MHz bands. And with no fixed stations in these bands, there is no need for an antenna height limit, so we will not adopt antenna height restrictions for the 1695–1710 MHz and 1755–1780 MHz bands at this time.

3. Power Limits

77. We will apply the existing AWS–1 EIRP limits to the AWS–3 downlink band at 2155–2180 MHz, as proposed in the *AWS–3 NPRM.* The *AWS–3 NPRM* proposed to depart from the AWS–1 EIRP limits for the AWS–3 uplink bands at 1695–1710 MHz and 1755–1780 MHz, because CSMAC and NTIA recommendations for sharing these bands with Federal incumbents were based on assumed baseline LTE uplink characteristics, which specify that lower EIRP levels would be used. These assumptions were set out in Appendix 3 of the WG1 Final Report. WG1 Final Report, App. 3 (Baseline LTE Uplink Characteristics). This document reflects the consensus of the LTE Technical Characteristics group of the CSMAC Working Groups. Participants included numerous Federal and non-Federal representatives. Consistent with our policy supporting flexible use where possible, we are not adopting technical rules requiring AWS–3 licensees to comply with LTE or any other particular industry standard. Nonetheless, we are adopting Protection Zones for Federal incumbents based on the power levels used for the CSMAC studies, while also requiring larger Protection Zones that would apply should AWS–3 licensees propose to operate uplink stations above 20 dBm EIRP.

78. *Base Stations (2155–2180 MHz).* The current AWS–1 rules limit base station power in non-rural areas to 1640 watts EIRP for emission bandwidths less than 1 megahertz and to 1640 watts per megahertz EIRP for emission bandwidths greater than 1 megahertz, and double these limits (3280 watts EIRP or 3280 watts/MHz) in rural areas. The AWS–1 rules also require that licensees with base stations employing transmit power above 1640 watts EIRP and 1640 watts/MHz EIRP coordinate with affected licensees authorized to operate within 120 kilometers (75 miles)

and with certain satellite entities. Parallel provisions apply to broadband PCS and AWS–4 stations.

79. The *AWS–3 NPRM* proposed to apply similar requirements to AWS–3 base stations operating in the 2155–2180 MHz band because these rules have provided good service while avoiding harmful interference. Specifically, the *AWS–3 NPRM* proposed to limit base station power in non-rural areas to 1640 watts EIRP for emission bandwidths less than 1 megahertz and to 1640 watts per megahertz EIRP for emission bandwidths greater than 1 megahertz, and double these limits (3280 watts EIRP or 3280 watts/MHz) in rural areas. For AWS–3 base stations with transmit power above 1640 watts EIRP and 1640 watts/MHz EIRP, the *AWS–3 NPRM* proposed to require coordination with the following licensees authorized to operate within 120 kilometers (75 miles) of the AWS–3 base or fixed station: All BRS licensees authorized in the 2150–2162 MHz band and all AWS licensees authorized to operate on adjacent frequency blocks in the AWS–3 band, the 2110–2155 MHz band or the 2180–2200 MHz band. Because of the spectral separation between the 2155–2180 MHz band and the 2025–2110 MHz satellite band, however, the *AWS–3 NPRM* did not propose to require coordination with these operators.

80. Commenters generally supported the Commission's proposed technical rules, specifically advocating adoption of regulations consistent with those applicable to the AWS–1 spectrum; no commenter opposed the proposals for base station power limits. The Commission typically adopts the same rules for similar adjacent band services, and we see no compelling reason to do otherwise here. Accordingly we adopt the AWS–3 base station power limits proposed in the *AWS–3 NPRM* and described in the preceding paragraph.

81. *Mobile and Portable Stations (1695–1710 MHz and 1755–1780 MHz).* For AWS uplink bands, our rules specify different power limits for different bands, depending on each band's particular circumstances. AWS–4 uplinks are generally limited to 2 watts EIRP, while AWS–1 uplinks are limited to 1 watt EIRP in order to simplify coordination with Government operations that remain in the AWS–1 uplink band, a situation that the AWS–4 band did not present. In this respect the two AWS–3 uplink bands under consideration here are similar to the AWS–1 uplink band in that they all contain Government operations, and this circumstance requires careful consideration of the power limit in order to assure satisfactory sharing of the bands with Government incumbents.

82. As described above, in conducting studies for coexistence of commercial and Federal systems in the AWS–3 uplink bands, CSMAC made assumptions about the power output of typical commercial user equipment for the purpose of defining Protection Zones. Specifically, CSMAC assumed that typical commercial user equipment will be LTE devices. The LTE standard sets a maximum transmitter power output (TPO) of 23 dBm. CSMAC's analysis indicates that such devices will have an actual EIRP varying between -40 dBm and 20 dBm, however, due to power control and typical antenna gains/losses. CSMAC used these EIRP values to assume a maximum power of 20 dBm EIRP (100 mW) for the purpose of defining the Protection Zones. For this reason, the Commission proposed to limit power to the 20 dBm EIRP for mobiles and portables operating in the 1695–1710 MHz and 1755–1780 MHz bands.

83. The Commission also noted its intent to adopt flexible-use service rules for the AWS–3 band supporting terrestrial wireless service and that it was not proposing to mandate the use of any industry standard. In this regard, the Commission observed that similar commercial mobile services such as PCS, AWS–1, and the 700 MHz band deploy handsets using a variety of technologies, including CDMA and UMTS, as well as LTE, whose devices most commonly operate at a maximum EIRP of 23 dBm (200 mW) regardless of higher FCC power limits such as the maximum EIRP limit of 1 watt (30 dBm) for the AWS–1 uplink band. Recognizing that the Commission's technical rules will govern all devices nationwide, rather than typical devices operating near Federal incumbents, the Commission sought comment on whether the benefits of a higher power limit would outweigh the increased burden of having to coordinate more commercial operations with Federal incumbents. The *AWS–3 NPRM* further proposed that mobile and portable stations operating in these bands must employ a means for limiting power to the minimum necessary for successful communications.

84. While the 20 dBm EIRP figure is a reasonable assumption from which to determine the area where the potential for interference requires coordination with incumbents, a power limit higher than proposed is feasible, so long as the size of the Protection Zones reflects whatever limit we adopt so that, if a licensee proposes to operate above 20 dBm EIRP, this higher power factors into the coordination analysis.

85. Wireless industry commenters nearly unanimously supported the benefits of a higher power limit over the increased burden of coordination. AT&T suggested that a 20 dBm EIRP limit ''would effectively require the adoption of a separate 3GPP standard for AWS–3.'' Motorola argued that the proposed 20 dBm limit is inherently flawed because it was based on the 23 dBm total power output limit set by the LTE standard, less 3 dB in assumed losses from issues such as negative antenna gain. Actual losses, it said, will be greater, which justifies a higher power limit in the Commission's rules. Further, Motorola notes the important role of automatic power control in mobile networks, citing a 3GPP simulation showing that ''the average transmit power across all devices in a mobile network is below 1 dBm and that 95 percent of all devices transmit with a power below 7 dBm.'' DISH makes a similar argument regarding automatic power control, and also notes that the Interference Power Spectral Density level can be controlled by limiting the number of simultaneously transmitting mobiles around Protection Zones, rather than restricting the mobile maximum power to 20 dBm, thus preserving the current Protection Zone boundaries. DISH adds that limiting the number of simultaneous mobile transmissions has an added advantage of providing protection while preserving wireless coverage footprints typical LTE devices can support. These commenters suggest a range of alternatives for the AWS–3 uplink power limit, including 23 dBm, 23 dBm +/−2 dB or 25 dBm (all based on the LTE standard), and 30 dBm (the AWS–1 limit).

86. On the other hand, Raytheon argued that ''[f]ailure to mandate an LTE standard could impact directly the validity, already qualified, of the analysis determining the proposed contours of the Protection Zones. . . . [I]f the Commission chooses to forego mandating use of the LTE standard by auction winners, the Commission should establish *larger* Protection Zones to create an umbrella allowing for the use of other standards.''

87. Based on the record before us, we are persuaded that the benefits of a higher EIRP limit outweigh the burden of additional coordination. Therefore, for the sake of uniformity among AWS–1 and AWS–3 equipment requirements and to facilitate industry standard setting in accordance with the basic interoperability requirement that we adopt herein for 1710–1780 MHz stations, we adopt an AWS–3 uplink

power limit of 30 dBm EIRP. We emphasize that this EIRP limit is largely a matter of equipment certification and that AWS–3 licensees are not authorized, as a matter of right, prior to successful coordination, to operate mobile and portable stations up to this EIRP limit. Additionally, we agree with Raytheon that the Protection Zones must be properly calibrated to account for any operations above 20 dBm EIRP. We also adopt the *AWS–3 NPRM's* uncontested proposal to require that mobile and portable stations operating in these bands employ a means for limiting power to the minimum necessary for successful communications.

88. Accordingly, the 27 Protection Zones for 1695–1710 MHz will be defined at two maximum protection distance scenarios: operations up to 20 dBm EIRP, as proposed in the *AWS–3 NPRM,* and operations above 20 dBm EIRP up to 30 dBm EIRP. The Protection Zones are the product of consultations between the Commission and NTIA. For base stations that enable mobiles to operate with a maximum EIRP greater than 20 dBm, up to a maximum EIRP of 30 dBm, nationwide coordination will be required. These requirements reflect the optimum scenarios for AWS–3/Federal sharing of these bands, and provide ample opportunity to ensure that incumbent Federal operations are fully protected. The real-time spectrum monitoring systems that Federal incumbents are planning will also, once deployed, help to maximize commercial use of the band while protecting Federal meteorological-satellite receive stations.

89. For the 1755–1780 MHz band, the default Protection Zone is nationwide. Therefore, all AWS–3 operations in this band, including proposals to operate above 20 dBm EIRP, will have to be successfully coordinated with all relevant Federal incumbents. In the coming months, the Commission and NTIA intend to jointly issue one or more public notices establishing coordination procedures and, if possible, more refined Protection Zones for operations up to 20 dBm EIRP. This forthcoming action will not affect operations above 20 dBm EIRP (and up to the 30 dBm EIRP limit) for which the nationwide Protection Zone will remain applicable.

90. We also recognize CSMAC's suggestion that the aggregate signal level from all licensees measured as a power flux density at the geostationary orbit (GSO) arc should not exceed −179 dBW/Hz/m². CSMAC concluded that it is unlikely that the aggregate power flux density from user devices at the GSO arc will reach −179 dBW/Hz/m² and that AWS operations are unlikely to impact Federal Space Operations reception in the GSO arc, assuming user devices operate with a maximum EIRP of 20 dBm. Further, the *WG3 Final Report* indicated that there is a positive 7.6 dB margin at the −179 dBW/Hz/m² power flux density level, and AWS–3 mobile devices will typically operate with significantly lower EIRP levels than assumed in the *WG3 Final Report.* We nonetheless recognize the legitimate issue of aggregate power flux density possibly affecting incumbent operations and that Federal satellite operators will routinely monitor the aggregate power flux density level at the satellites. AWS–3 licensees are on notice that the Commission will revisit the matter and take appropriate action if it is demonstrated that the aggregate power flux density level from all mobile devices in a 10 megahertz bandwidth in the 1761–1780 MHz band could impact Federal Space Operations reception in the GSO arc, *i.e.,* is approaching −179 dBW/Hz/m².

4. Co-Channel Interference Between AWS–3 Systems

91. As discussed above, we determine to license AWS–3 on an EA and CMA geographic license area basis. The Commission observed in the *AWS–3 NPRM* that should this spectrum be licensed on a less than nationwide basis, it would be necessary to ensure that licensees do not cause harmful interference to co-channel systems operating along their common geographic boundaries. To resolve any such interference, the *AWS–3 NPRM* proposed to adopt a boundary limit approach, with a boundary field strength limit of 47 dBμV/m, the same as applies to other services similar to AWS–3, including AWS–1 and AWS–4. The alternative would be to require prior coordination of base stations located near geographic boundaries. The *AWS–3 NPRM* noted that some commenters in other proceedings have suggested that the boundary limit be adjusted to accommodate varying channel bandwidths, and sought comment on these options. The *AWS–3 NPRM* also sought comment on its proposal that licensees operating in adjoining areas should be permitted to employ alternative, agreed-upon signal limits at their common borders. Except for T-Mobile, which argued that the field strength limit be adjusted to accommodate for varying channel bandwidths, commenters did not oppose the Commission's proposals to protect adjacent licensees from co-channel interference.

92. We adopt the proposed boundary limit approach for co-channel interference. As discussed above, the Commission will license AWS–3 on a geographic area basis that is less than nationwide, *i.e.,* an EA and CMA basis. To prevent licensees that operate systems along common geographic borders from causing harmful interference to one another, the Commission must provide operating limits to ensure such licensees do not cause interference to co-channel systems. Adopting a boundary limit approach establishes a default standard, which will enable licensees to deploy facilities in boundary areas without the need for prior coordination. (Licensees may use this operating limit as a starting point for negotiations to exceed the limits with agreement of adjacent area licensees.) Moreover, in other bands where spectrum has been allocated for fixed and mobile services, similar to AWS–3, the Commission has uniformly adopted the boundary limit method to minimize harmful co-channel interference. For instance, the PCS, AWS–1, AWS–4 and H-Block bands all use a boundary limit approach. In response to the Commission's proposal, no commenter supported a coordination requirement rather than the boundary limit approach. Consequently, we find that a boundary limit approach is the best method to address potential harmful co-channel interference between licensees operating in adjacent geographic regions.

93. We set the field strength limit at the boundary at 47 dBμV/m. As the Commission observed in the *AWS–3 NPRM,* in other bands where spectrum has been allocated for fixed and mobile services and licensed for flexible use, similar to AWS–3, the Commission has generally adopted a boundary field strength limit of 47 dBμV/m. For example, in the PCS, AWS–1, AWS–4 and H-Block bands, the Commission adopted a field strength limit of 47 dBμV/m at the boundary of licensed geographic areas. Because this limit has worked well in limiting co-channel interference in other bands, we find it appropriate to adopt it here for the similarly situated AWS–3.

94. In adopting this boundary limit, we decline to adopt the alternative limit proposed by T-Mobile. While supporting the boundary limit approach used in other bands, T-Mobile asserted that we should modify the boundary limit to set a reference measurement bandwidth, as proposed by Sprint in WT Docket No. 12–357. In making this recommendation, T-Mobile claimed that because today's LTE transmissions operate on wider channels than earlier legacy technologies, a 47 dBμV/m limit will effectively result in a comparatively

lower field strength limit. Specifically, T-Mobile proposed to adjust the field strength limit from 47 dBμV/m to 54 dBμV/m per megahertz ''which is based on GSM technology and provides a 7 dB increase over today's rules.''

95. Although we agree with T-Mobile that a boundary limit that adjusts for large differences in channel bandwidths may be appropriate, we are not persuaded that either Sprint or T-Mobile's proposed limit represents the most appropriate solution. Sprint derived the value for the field strength based on a comparison against a 30 kHz Digital Amps signal, and T-Mobile did not explain how it derived its proposed limit. Other technologies may be a more appropriate reference upon which to base the value for the field strength. Also, there are other metrics that may be used to limit the signal at the boundary, such as power flux density. We observe that the Commission has already adopted a bandwidth-independent approach when setting boundary limits with Canada and Mexico. For example, certain international limits are expressed as a power flux density (*i.e.,* dBW/m^2/MHz), a measure of power, whereas field strength is a measurement of voltage. As Sprint noted, other parties have proposed to set boundary limits in a bandwidth neutral manner, but there is no established consensus on what the value of the limit should be. With no consensus regarding an alternative boundary limit approach, we are not prepared to adopt any particular approach at this time. We intend to explore the issue of whether to apply a measurement bandwidth to co-channel boundary limits in future service rules proceedings, and we encourage all interested parties to explore this issue in such proceedings to develop a full record of the technical concerns and ramifications of such an approach.

96. Finally, we adopt the Commission's proposal that adjacent affected area licensees may voluntarily agree upon higher field strength boundary levels than the 47 dBμV/m we adopt above. This concept is already codified in the field strength rules for both PCS and AWS services. No party opposed extending this approach to AWS–3. Accordingly, to maintain consistency with the PCS and other AWS bands, we permit adjacent area licensees to agree to a higher field strength limit.

5. Co-Channel Interference to BRS Channels 1 and 2

97. The AWS–1 rules include provisions that protect BRS Channel 1 (2150–2156 MHz) and Channel 2/2A (2156–2160/62 MHz) while the band transitions from BRS to AWS use. 47 CFR 27.1132, 27.1250–27.1255. These BRS provisions will expire in 2021, 15 years after the first AWS license was issued in the band, at which time any remaining BRS licensees in the band will lose primary status. *Id.* § 27.1253(a). The Commission's licensing records reflect that there are fewer than five BRS incumbents licensed on these channels and that most of the stations use Channels 1 and/or 2/2A for fixed broadband uplink. Because these BRS channels will be co-channel to some licenses in the AWS–3 downlink band at 2155–2180 MHz, the *AWS–3 NPRM* proposed that the same AWS–1 provisions in §§ 27.1132 and 27.1255 be applied to future AWS–3 licensees operating in the 2155–2180 MHz band. No parties commented on this proposal. Therefore, and in the absence of any compelling reason to do otherwise, we adopt the same provisions in §§ 27.1132 and 27.1255 for AWS–3 licensees operating in the 2155–2180 MHz band.

6. Base Station Control of Mobile or Portable Devices in 1695–1710 MHz and 1755–1780 MHz Bands

98. In the *AWS–3 NPRM,* we proposed to require mobile or portable devices operating in bands shared with Federal incumbents to be under the control of a base station. T-Mobile did not oppose this requirement, but suggested allowing an exception ''to allow devices to operate that are not under the control of a base station if that can be accomplished in a manner consistent with protection requirements to Federal operations.'' Raytheon opposed codifying T-Mobile's proposed exception, stating that such flexibility might be considered pursuant to a specific coordination scenario as long as Federal agencies are not obligated to consent to such use.

99. T-Mobile also noted that any control requirement should be consistent with LTE mobile operations, which it described as follows:

> Prior to transmitting, LTE user devices listen for system information being broadcast by the base station. Based on the system information, the user device will transmit a RACH (Random Access Channel), in order to get the cell to grant downlink/uplink radio resources. Because the mobile device does not transmit until receiving system information from the base station, the mobile device is clearly under the control of the base station. . . .

100. As discussed above, in order to facilitate Federal coordination, uplink/mobile devices in the 1695–1710 MHz and 1755–1780 MHz bands must be under the control of, or associated with, a base station as a means to facilitate shared use of the band and prevent interference to Federal operations. We agree with T-Mobile that LTE user devices operating as T-Mobile describes would meet this control requirement. However, we are not persuaded to codify the general exception that T-Mobile suggests, because the proposal lacks the specificity necessary to assure us that it would prevent interference to Federal incumbents.

7. Receiver Performance

101. The *AWS–3 NPRM* sought comment on the potential for AWS–3 operations to cause receiver overload or other interference to non-AWS operations below 1695 MHz, above 1780 MHz, above 2025 MHz, and above 2180 MHz. No commenter addressed this issue directly, and the only comments suggesting the possibility of interference to adjacent non-AWS services were those urging special OOBE protection below 1695 MHz. We have addressed these comments in connection with finalizing the AWS–3 OOBE limits, and no interference issues remain to be considered.

8. Compliance With Industry Standard

102. In response to the Commission's request for comment on any other technical rules that may be required, some commenters encouraged us to mandate use of the LTE air interface standard in the AWS–3 spectrum, while some urged us to adopt an equipment interoperability requirement. In the *AWS–3 NPRM,* the Commission acknowledged that CSMAC made technical assumptions about commercial operations that assumed baseline LTE uplink characteristics and that some technical rules must accommodate CSMAC's assumptions or the Protection Zones might have to be redrawn. But the Commission emphasized that it was not proposing rules to require AWS–3 licensees to comply with any particular industry standard such as LTE. Rather, in accordance with the Spectrum Act, the Commission intended to propose flexible use service rules for the AWS–3 band. The Commission also observed that similar commercial mobile services such as PCS, AWS–1, and the 700 MHz band deploy handsets using a variety of technologies, including CDMA and UMTS, as well as LTE. AIA expressed concern ''[w]hether spectrum sharing and coordination rules can be established when there is currently no proposed requirement for AWS–3 licensees to comply with any particular industry standard such as LTE.'' And as noted above, Raytheon argued that if the Commission did not

mandate use of the LTE standard, it should ''establish *larger* Protection Zones to create an umbrella allowing for the use of other standards.'' T-Mobile disagreed, stating that ''While LTE is currently the favored standard, it may be supplanted in the future. An LTE mandate would hamstring innovation and development and be contrary to the Commission's policy to preserve technical flexibility and refrain from imposing technical standards.''

103. We agree with T-Mobile that locking licensees into a particular technology indefinitely is not warranted. Mandating a particular industry standard such as LTE would hamstring innovation and development and be contrary to the Commission's policy to preserve technical flexibility and refrain from imposing unnecessary technical standards. Instead, we seek to adopt those minimum requirements necessary to protect against interference or effectuate other compelling public interest objectives. As discussed above, the LTE standard was used to determine Protection Zones for the 1695–1710 MHz band, but that does not require its adoption for all purposes. Where the rules that we adopt today differ from proposed rules that reflected CSMAC's assumptions, we also adopt corresponding changes to the coordination zones. As discussed below, for the 1755–1780 MHz band, the coordination requirement applies nationwide, and not just to designated Protection Zones. If in the future a licensee decides to use a technology other than LTE, the licensee will still be subject to our technical rules. If the technology complies with our rules but nonetheless poses a greater risk of interference to incumbent Federal operations, this development can be addressed as part of the required coordination process. Accordingly, we see no reason to mandate use of LTE in the AWS–3 bands.

9. Canadian and Mexican Coordination

104. In the *AWS–3 NPRM,* the Commission observed that § 27.57(c) of the rules provides that AWS–1 and AWS–4 operations are subject to international agreements with Mexico and Canada, and proposed to apply the same limitation to the AWS–3 bands. No comments were submitted on this proposal. In order to ensure efficient use of the spectrum and interference-free operations in the border areas near Canada and Mexico, the Commission routinely works with the United States Department of State and Canadian and Mexican government officials. Until such time as any adjusted agreements, as needed, between the United States, Mexico and/or Canada can be agreed to, AWS–3 operations must not cause harmful interference across the border, consistent with the terms of the agreements currently in force. The list of agreements includes the ''Protocol Concerning the Transmission and Reception of Signals from Satellites for the Provisions of Mobile-Satellite Services and Associated Feeder links in the United States of America and the United Mexican States.'' We note that further modifications of the rules might be necessary in order to comply with any future agreements with Canada and Mexico regarding the use of these bands.

10. Other Technical Issues

105. In addition to the specific technical issues addressed above, the Commission also noted several rules that apply to part 27 services generally, and proposed applying them to the AWS–3 bands as well. Specifically, the Commission proposed applying the following rule sections: 27.51 Equipment authorization, 27.52 RF safety, 27.54 Frequency stability, 27.56 Antennas structures; air navigation safety, and 27.63 Disturbance of AM broadcast station antenna patterns. The Commission reasoned that because AWS–3 will be a part 27 service, these rules should apply to all AWS–3 licensees, including those who acquire licenses through partitioning or disaggregation. No commenters opposed this proposal. Accordingly, because these rules generally apply to all part 27 services, and because, as we explain below, we find it appropriate to license the AWS–3 spectrum under our part 27 regulatory framework, we conclude that the potential benefits of our proposal would outweigh any potential costs and adopt the proposal to apply these additional part 27 rules to AWS–3 licensees. The Commission recently deleted § 27.63. Rules governing disturbance of AM broadcast station antenna patterns are now contained in subpart BB of part 1, 47 CFR 1.30000–1.30004.

C. Licensing and Operating Rules; Regulatory Issues

106. The licensing and operating rules we adopt below provide AWS–3 licensees with the flexibility to provide any fixed or mobile service that is consistent with the allocations for this spectrum. In the *AWS–3 NPRM,* the Commission sought comment on the appropriate license term, criteria for renewal, and other licensing and operating rules pertaining to the AWS–3 band. In addition, the Commission sought comment on the potential impact of all of our proposals on competition. Herein, we adopt a set of service rules that set forth the license term, performance requirements, and license renewal criteria and establish secondary market transaction and permanent discontinuance rules for all AWS–3 wireless licenses. We also affirm that other rule parts that pertain generally to wireless communication services will similarly apply to AWS–3 licensees.

107. *Assignment of Licenses.* The Spectrum Act states that the Commission shall grant new initial licenses for the 1695–1710 MHz and 2155–2180 MHz bands, and 15 additional megahertz of contiguous spectrum to be identified by the Commission, through a system of competitive bidding pursuant to section 309(j) of the Communications Act. In the *AWS–3 NPRM,* the Commission proposed for all AWS–3 bands, including 1755–1780 MHz and 2020–2025 MHz, to license on a geographic area basis, which would permit the acceptance of mutually exclusive applications. As such, the Commission proposed to resolve all AWS–3 applications and assign licenses through competitive bidding consistent with our statutory mandate.

108. We adopt the Commission's proposal to assign initial licenses for the AWS–3 bands through a system of competitive bidding. Further, we adopt the Commission's proposal to license AWS–3 spectrum bands on a geographic area basis and permit the acceptance of mutually exclusive applications. AT&T, for example, agrees that the ''initial assignments, in accordance with Congress' mandate, should be through a system of competitive bidding.'' Thus, as detailed below, we adopt rules to govern the use of a competitive bidding process for licensing all AWS–3 bands, including 1755–1780 MHz and 2020–2025 MHz.

109. *Flexible Use.* In the *AWS–3 NPRM,* consistent with the Spectrum Act's mandate to license according to flexible use service rules, the Commission proposed and sought comment on service rules that permit a licensee to employ the spectrum for any non-Federal use permitted by the United States Table of Frequency Allocations, subject to the Commission's part 27 flexible use and other applicable rules (including service rules to avoid harmful interference). Part 27 licensees must also comply with other Commission rules of general applicability. *See* 47 CFR 27.3. In addition, flexible use in international border areas is subject to any existing or future international agreements. Thus, the Commission proposed that the spectrum may be used for any fixed or

mobile service that is consistent with the allocations for the band. The Commission sought comment on whether any restrictions are warranted and how such restrictions would comport with the statutory mandates of section 6401 of the Spectrum Act.

110. In accordance with the Spectrum Act's direction to license according to flexible use service rules, we will license the AWS–3 spectrum under part 27. We received no comments on this specific proposal but found general support in the record for permitting flexible use. The part 27 rules provide a broad and flexible regulatory framework for licensing spectrum, enabling the spectrum to be used for a wide variety of broadband services, thereby promoting innovation and efficient use of the spectrum.

111. *Regulatory Framework.* In the *AWS–3 NPRM,* we proposed licensing AWS–3 spectrum in accordance with the flexible regulatory framework of part 27 of our rules. We sought comment on our proposal to license the AWS–3 band under part 27's service and licensing rules, and any associated costs or benefits of doing so. We believe that our part 27 rules are consistent with the Spectrum Act's requirement for ''flexible-use service rules.''

112. We adopt the Commission's proposal to license AWS–3 spectrum in accordance with the flexible regulatory framework of part 27 of our rules. We received no comments on this issue. We note that unlike other rule parts applicable to specific services, part 27 does not prescribe a comprehensive set of licensing and operating rules for the spectrum to which it applies. Rather, for each frequency band under its umbrella, part 27 defines permissible uses and any limitations thereon, and specifies basic licensing requirements.

113. *Regulatory Status.* In the *AWS–3 NPRM,* the Commission proposed to apply the regulatory status provisions of § 27.10 of the Commission's rules to licensees in the AWS–3 band. Specifically, § 27.10 requires license applicants to identify the regulatory status of the services they intend to provide, and permits applicants and licensees to request common carrier status, non-common carrier status, private internal communications status, or a combination of these options, for authorization in a single license (or to switch between them). The Commission also proposed that if a licensee changes the service or services it offers such that its regulatory status would change, it must notify the Commission within 30 days of the change.

114. We adopt the proposal to apply § 27.10 of our rules, 47 CFR 27.10, to AWS–3 licensees. Under this flexible regulatory approach, AWS–3 licensees may provide common carrier, non-common carrier, private internal communications or any combination of these services, so long as the provision of service otherwise complies with applicable service rules. We find that this broad licensing framework is likely to achieve efficiencies in the licensing and administrative process and will provide flexibility to the marketplace, thus encouraging licensees to develop new and innovative services. Moreover, by applying this requirement to AWS–3 licensees, we will treat them the same as other part 27 licensees, all of whom are subject to this rule. Although no commenters directly address this issue, commenters do support increased regulatory flexibility generally. We conclude that this approach is in the public interest and that its benefits likely outweigh any potential costs.

115. We remind potential applicants that an election to provide service on a common carrier basis requires that the elements of common carriage be present; otherwise the applicant must choose non-common carrier status. *See* 47 U.S.C. 153(44) (''A telecommunications carrier shall be treated as a common carrier under this Act''); *see also* 47 U.S.C. 332(C)(1)(A) (''A person engaged in the provision of a service that is a commercial mobile service shall, insofar as such person is so engaged, be treated as a common carrier for purposes of this Act''). If a potential licensee is unsure of the nature of its services and whether classification as common carrier is appropriate, it may submit a petition with its application, or at any time, requesting clarification and including service descriptions for that purpose.

116. Consistent with the Commission's proposal in the *AWS–3 NPRM,* we extend to the AWS–3 band our part 27 requirement that if a licensee elects to change the service or services it offers such that its regulatory status would change; it must notify the Commission and must do so within 30 days of making the change. *See* 47 CFR 27.10(d). *See also* 47 CFR 27.66 (directing a licensee to notify the Commission if it elects to change its services such that its regulatory status would change). A change in the licensee's regulatory status will not require prior Commission authorization, provided the licensee is in compliance with the foreign ownership requirements of section 310(b) of the Communications Act that apply as a result of the change. We note, however, that a different time period (other than 30 days) may apply, as determined by the Commission, where the change results in the discontinuance, reduction, or impairment of the existing service.

117. *Foreign Ownership Reporting.* In the *AWS–3 NPRM,* the Commission observed that sections 310(a) and 310(b) of the Communications Act impose foreign ownership and citizenship requirements that restrict the issuance of licenses to certain applicants. The Commission proposed to apply § 27.12 of the Commission's rules, which implements section 310, to applicants for AWS–3 licenses. With respect to filing applications, the Commission proposed that all applicants provide the same foreign ownership information, which covers both sections 310(a) and 310(b), regardless of whether they propose to provide common carrier or non-common carrier service in the band. The Commission sought comment on this proposal, including the associated costs and benefits.

118. In order to fulfill our statutory obligations under section 310 of the Communications Act, we determine that all AWS–3 applicants and licensees shall be subject to the provisions of 47 CFR 27.12; *see also* Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under section 310(b)(4) of the Communications Act of 1934, as amended, IB Docket No. 11–133, *Second Report and Order,* 28 FCC Rcd 5741, App. B (2013) (adopting 47 CFR 1.990–1.994, which establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees). All such entities are subject to section 310(a), which prohibits licenses from being ''granted to or held by any foreign government or the representative thereof.'' In addition, any applicant or licensee that would provide a common carrier, aeronautical en route, or aeronautical fixed service would also be subject to the foreign ownership and citizenship requirements of section 310(b).

119. No commenters opposed (or commented on) the Commission's proposal to require all AWS–3 applicants and licensees to provide the same foreign ownership information in their filings, regardless of the type of service the licensee would provide using its authorization. We believe that applicants for this band should not be subject to different obligations in reporting their foreign ownership based on the type of service authorization requested in the application and that the benefits of a uniform approach outweigh any potential costs. Therefore, we will

require all AWS–3 applicants and licensees to provide the same foreign ownership information, which covers both sections 310(a) and 310(b), regardless of which service they propose to provide in the band. We expect, however, that we would be unlikely to deny a license to an applicant requesting to provide services exclusively that are not subject to section 310(b), solely because its foreign ownership would disqualify it from receiving a license if the applicant had applied for authority to provide section 310(b) services. However, if any such licensee later desires to provide any services that are subject to the restrictions in section 310(b), we would require that licensee to apply to the Commission for an amended license, and we would consider issues related to foreign ownership at that time.

120. *Eligibility.* In the *AWS–3 NPRM,* the Commission proposed to adopt an open eligibility standard for the AWS–3 band. The Commission explained that opening the AWS–3 band to as wide a range of licensees as possible would encourage efforts to develop new technologies, products, and services, while helping to ensure efficient use of this spectrum.

121. The Commission also explained that section 6004 of the Spectrum Act restricts participation in auctions required under the Spectrum Act by ''person[s] who [have] been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.'' The Commission noted that, in the *Incentive Auctions NPRM* and in the *H Block NPRM,* it had sought comment on whether section 6004 permits or requires the Commission to restrict eligibility of persons acquiring licenses on the secondary market, whether and to what extent such a restriction is consistent with other provisions of the Communications Act, and what procedures and rules, if any, should apply to persons acquiring licenses on the secondary market. In the *H Block R&O,* the Commission adopted an eligibility rule providing that ''[a] person described in 47 U.S.C. 1404(c) is ineligible to hold a license that is required by 47 U.S.C. Chapter 13 (Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, 125 Stat. 156 (2012)) to be assigned by a system of competitive bidding under section 309(j) of the Communications Act, 47 U.S.C. 309(j).'' *AWS–3 NPRM,* 28 FCC Rcd at 11527 para. 121 n.285 citing *H Block R&O* at App. A; *see also* 47 CFR 27.12(b). In the *H Block R&O,* the Commission also adopted an amendment to its rules to implement section 6004 by adding a national security certification to the application to participate in competitive bidding. *See* 47 CFR 1.2105(a)(2)(xii). The Commission noted that this revised restriction will govern most of the AWS–3 spectrum and that, until appropriate application forms are revised, applicants for spectrum subject to section 6004 will be required to include a certification as an attachment to the application and for applicants that are not individuals, the same attribution standards that were adopted for short-form applications will apply. One commenter, Mobile Future, addressed the larger issue of the open eligibility proposal by commenting that it supports such an approach.

122. We find that nothing in the record demonstrates that we should adopt restrictions on open eligibility. Therefore, we find that open eligibility for the AWS–3 band is consistent with our statutory mandate to promote the development and rapid deployment of new technologies, products, and services; economic opportunity and competition; and the efficient and intensive use of the electromagnetic spectrum. *See* 47 U.S.C. 309(j)(3)(A), (B), & (D). We note, however, that applicants for AWS–3 licenses must comply with any licensing qualifications required by statute or rule. We conclude, based on the record before us, that the potential benefits of open eligibility for the AWS–3 band outweigh any potential costs.

123. Section 27.12(b) of the Commission's rules provides that ''[a] person described in 47 U.S.C. 1404(c) is ineligible to hold a license that is required by 47 U.S.C. Chapter 13 (Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 125 Stat. 156 (2012)) to be assigned by a system of competitive bidding under section 309(j) of the Communications Act, 47 U.S.C. 309(j).'' We conclude that this provision governs the 1695–1710 MHz band, the 1755–1780 MHz band and the 2155–2180 MHz band as explained in the *AWS–3 NPRM.* Because we are pairing 1755–1780 MHz (15 megahertz of which we have identified as the ''additional fifteen megahertz of contiguous spectrum'' under the Spectrum Act) with 2155–2180 MHz (all of which is subject to the Spectrum Act), we will treat all 50 megahertz as subject to the statutory restriction.

124. *Mobile Spectrum Holding Policies.* Spectrum is an essential input for the provision of mobile wireless services, and ensuring access to and the availability of sufficient spectrum is crucial to promoting the competition that drives innovation and investment. Section 309(j)(3)(B) of the Communications Act provides that, in designing systems of competitive bidding, the Commission shall ''promot[e] economic opportunity and competition and ensur[e] that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses.'' Section 6404 of the Spectrum Act amends section 309(j) to bar the Commission from ''prevent[ing] a person from participating in a system of competitive bidding'' thereunder if such person satisfies specified qualifications criteria. However, that provision does not affect any authority the Commission has ''to adopt and enforce rules of general applicability, including rules concerning spectrum aggregation that promote competition.'' In September 2012, the Commission initiated a proceeding to review the mobile spectrum holdings policies that currently apply to both secondary market transactions and competitive bidding. The Commission indicated that, during the pendency of this proceeding, the Commission will continue to apply its current case-by-case approach to evaluate mobile spectrum holdings during its consideration of secondary market transactions and initial spectrum licensing after auctions.

125. In the *AWS–3 NPRM,* the Commission sought comment on whether and how to address mobile spectrum holding issues to meet our statutory requirements pursuant to section 309(j)(3)(B) and Section 6404 of the Spectrum Act and our goals for the AWS–3 band. The Commission also asked whether the acquisition of each of the AWS–3 spectrum bands should be subject to the same general mobile spectrum holding policies applicable to frequency bands that the Commission has found to be suitable and available for the provision of mobile telephony/broadband services. Alternatively, it sought comment on whether there were any reasons to distinguish AWS–3 spectrum for purposes of evaluating mobile spectrum holdings. It asked commenters to discuss and quantify any costs and benefits associated with any proposals.

126. USCC supports adopting a 25 percent limit on the amount of AWS–3 spectrum any one auction participant may acquire in a single market to promote competition and diversity of license holders in the band, which USCC asserts would encourage interoperability and roaming opportunities. Mobile Future and

Verizon Wireless oppose any auction-specific limits for the AWS–3 band. In particular, Verizon Wireless opposes USCC's proposal, claiming that USCC's proposed spectrum limit is unnecessary to prevent a lack of interoperability. CCA, RWA, Mobile Future, T-Mobile, Sprint, and Verizon Wireless encourage the Commission to conclude its *Mobile Spectrum Holdings* rulemaking prior to making a determination on mobile spectrum holdings policies with regard to the AWS–3 bands.

127. We observe that parties commenting on spectrum holdings issues in the AWS–3 rulemaking have raised issues with broader applicability to the *Mobile Spectrum Holdings* rulemaking, in addition to issues that relate to the characteristics of the AWS–3 bands. Given that we anticipate taking action in the *Mobile Spectrum Holdings* rulemaking well in advance of the AWS–3 auction, we find that rulemaking to be the most appropriate context in which to resolve whether any mobile spectrum holdings policies should apply to the upcoming AWS–3 auction and whether the AWS–3 bands should be included in the input market for spectrum used in the Commission's competitive review of transactions.

128. *License Term, Performance Requirements, Renewal Criteria, Permanent Discontinuance of Operations. License Term:* In the *AWS–3 NPRM,* the Commission proposed to establish a 10-year term for licenses for the AWS–3 band. The Commission noted that the Communications Act does not specify a term limit for AWS band licenses and that it has adopted 10-year license terms for most wireless radio services licenses. To maintain this consistency among wireless services, in the *H Block R&O* and the *AWS–4 Service Rules R&O,* the Commission adopted 10-year license terms. In addition, the Commission proposed that, if an AWS–3 license is partitioned or disaggregated, any partitionee or disaggregatee would be authorized to hold its license for the remainder of the partitioner's or disaggregator's original license term. ''Partitioning'' is the assignment of geographic portions of a license along geopolitical or other boundaries. ''Disaggregation'' is the assignment of discrete portions of ''blocks'' of spectrum licensed to a geographic licensee or qualifying entity. Disaggregation allows for multiple transmitters in the same geographic area operated by different companies on adjacent frequencies (thus increasing the possibility of harmful interference). The Commission sought comment on these proposals, including the associated costs and benefits.

129. We adopt an initial license term for AWS–3 spectrum rights of 12 years and subsequent renewal terms of 10 years and we modify § 27.13 of the Commission's rules to reflect these determinations. The Communications Act does not require a specific term for non-broadcast spectrum licenses. The Commission has typically adopted 10-year license terms for part 27 services, but has also found, as in the case of AWS–1 licenses, a longer initial term to be in the public interest. We find that this approach is in the public interest and find that its benefits outweigh any potential costs. Further, commenters generally support at least a 10-year license term. Given the complexities and timing of clearing government operations in the AWS–3 bands, we agree with AT&T and USCC that a longer initial license term is appropriate.

130. We decline, however, to adopt proposals by AT&T and USCC that the Commission consider 15-year initial license term. We believe instead that a 12-year initial term adequately compensates for the transition of government operations, and a 15-year initial term would be unnecessarily long. Further, wireless licensees receive their licenses not at auction completion, but after a period of time following the close of the auction to allow for license applications to be filed, processed, and reviewed to ensure the applicant meets the applicable qualifications to hold a wireless license. Nevertheless, we direct the Wireless Telecommunications Bureau to solicit comment in the third year following the initial licensing of AWS–3 spectrum for the purpose of making a recommendation to the Commission about whether an extension of the initial license term (and associated build-out deadlines) by up to 3 years is warranted in light of the status of government relocation. We agree with AT&T that the initial license term should match any adjustments extending the final build-out benchmarks.

131. We adopt the Commission's proposal that, if an AWS–3 license is partitioned or disaggregated, any partitionee or disaggregatee would be authorized to hold its license for the remainder of the partitioner's or disaggregator's original license term. No commenter addressed this proposal. We note, however, that this approach is similar to the partitioning and disaggregation provisions that the Commission adopted for BRS, for broadband PCS, for the 700 MHz band, and for AWS–1 licenses at 1710–1755 MHz and 2110–2155 MHz, and AWS–4. We emphasize that nothing in our action is intended to enable a licensee, by partitioning or disaggregating the license, to confer greater rights than it was awarded under the terms of its license grant. Similarly, nothing in this action is intended to enable any partitionee or disaggregatee to obtain rights in excess of those previously possessed by the underlying licensee.

132. *Performance Requirements:* In the *AWS–3 NPRM,* the Commission proposed to adopt specific, quantifiable performance requirements for AWS–3 licensees to ensure that licensees begin providing service to consumers in a timely manner. In the *AWS–3 NPRM,* the Commission proposed to measure build-out progress using a population-based benchmark within each license area, and sought comment on whether it should adopt an interim benchmark, an end-of-term benchmark, or other requirements. In addition, in the *AWS–3 NPRM,* the Commission sought comment on appropriate performance benchmarks for any AWS–3 uplink spectrum paired with downlink spectrum in a band other than AWS–3 and for areas where Federal use limits or prohibits AWS–3 use. Further, the Commission sought comment on whether performance requirements are necessary for service areas within the Gulf of Mexico. Along with performance benchmarks, the Commission noted that there must be meaningful and enforceable consequences, or penalties, for failing to meet construction requirements. Toward that end, the Commission also sought comment on a number of different penalties, seeking input on which set of incentives would most effectively ensure timely build-out in this band.

133. We establish performance requirements to promote the productive use of spectrum, to encourage licensees to provide service to customers in a timely manner, and to promote the provision of innovative services in unserved areas, particularly rural ones. Over the years, the Commission has tailored performance and construction requirements with an eye to the unique characteristics of individual frequency bands and the types of services expected, among other factors. Our goal is to ensure that timely and robust build-out occurs in these bands and, for the reasons discussed below, we believe that concrete interim and final build-out benchmarks will best facilitate meeting this goal. The performance requirements we establish for the AWS–3 band are consistent with those the Commission has adopted in recent items for other spectrum bands, while taking into account certain exceptional circumstances related to the timing for

the transition of this spectrum from government use to wireless use. As noted below in the Partitioning and Disaggregation section, the performance requirements we adopt also apply to disaggregated spectrum or partitioned geographic service areas. These requirements will ensure that the AWS–3 spectrum is put to use expeditiously while providing licensees with flexibility to deploy services according to their business plans. Specifically, we require:

• *AWS–3 Interim Build-out Requirement:* Within six (6) years of an initial grant, licensee shall provide reliable signal coverage and offer service to at least forty (40) percent of the population in each of its license areas.

• *AWS–3 Final Build-out Requirement:* By the end of the initial license term, *i.e.,* within twelve (12) years, a licensee shall provide reliable signal coverage and offer service to at least seventy-five (75) percent of the population in each of its license areas.

134. Additionally, we adopt the following penalties for failing to meet the build-out benchmarks:

• *Failure to meet AWS–3 band interim build-out requirement:* In the event a licensee fails to meet the AWS–3 Interim Build-out Requirement in its license area, the final build-out requirement and initial license term shall be accelerated by 2 years (from 12 to 10).

• *Failure to meet AWS–3 band final build-out requirement:* In the event a licensee fails to meet the AWS–3 Final Build-out Requirement for any licensed area, the license for each licensed area in which it fails to meet the build-out requirement shall terminate automatically without Commission action.

135. Based on the record before us, we find that these performance requirements are in the public interest and that the benefits of these requirements outweigh any potential costs. We explain below the rationale for these performance requirements, and the attendant penalties for failure to comply. We also discuss below how we will measure build-out in the Gulf of Mexico.

136. *Population-based benchmark, [per license area].* Supported by a number of comments in the record, we adopt the proposal to use objective, population-based interim and final construction benchmarks, which will be measured per license area. Requiring AWS–3 licensees to meet these performance benchmarks will promote rapid deployment of new broadband services to the American public, and at the same time provide licensees with certainty regarding their construction obligations. We agree with Verizon that, for this spectrum band, measuring build-out by percentage of population served ''will ensure that licensees provide wireless broadband services where customers actually will use them and need them.'' Further, Blooston Rural Carriers argues that population-based AWS–3 construction requirements are appropriate for CMA license areas.

137. We are not persuaded by arguments that our build-out requirements must be geography-based, or include a geographic component, in order to ensure that less densely populated, often rural, communities have timely access to the most advanced mobile broadband services. We agree that it is important to promote rapid broadband deployment in rural areas. In fact, section 309(j)(4)(B) of the Act requires that the Commission ''include performance requirements, such as appropriate deadlines and penalties for performance failures, to ensure prompt delivery of service to rural areas.'' We find that adopting relatively small, CMA and EA-based license areas, and requiring licensees to meet challenging population-based benchmarks in each individual license area separately, strikes an appropriate balance between providing flexibility to AWS–3 band licensees to deploy their networks in a cost-effective manner and assertively promoting deployment of service to less densely populated areas. We note that nothing about our decision to require population-based benchmarks in this band would foreclose our ability to impose geographic-based benchmarks in other spectrum bands that may warrant different considerations. For example, we observe that the Commission established geographic-based performance requirements for the 700 MHz B Block in light of technical characteristics and the CMA geographic license area size specific to that band.

138. Further, we reject Verizon's request that we measure compliance with the interim benchmark in the aggregate, *i.e.,* by summing the population of all of a licensees' authorizations for AWS–3 spectrum. Creating benchmarks on a per-license basis, rather than in the aggregate, is consistent with our build-out requirements in other, similar spectrum bands. Further, this approach allows for more flexibility and certainty in licensing. In addition, measuring benchmarks on a per-license basis is consistent with our determination to license service on a geographic basis and hold a licensee accountable for meeting performance obligations for all of the licenses (including partitioned licenses) that it holds. For example, should a licensee partition some of its AWS–3 spectrum, a percentage-based approach would apply to each partitioned license. In contrast, it is not clear how the responsibility for meeting benchmarks for partitioned and disaggregated licenses would be handled under Verizon's proposal.

139. *Areas unavailable due to Federal relocation and coordination requirements.* A number of commenters argue that the population of an area in which AWS–3 operations are prohibited to protect government operations should be excluded when determining whether a licensee has met its build-out requirements. We find that this scenario is best addressed by the extended interim and final construction benchmarks because we believe that applying the same performance requirements to all AWS–3 licensees will help ensure that licensees build out their entire licensed service areas. We also generally agree that if a licensee demonstrates that it is unable to meet a coverage requirement due to circumstances beyond its control, an extension of the coverage period might be warranted.

140. *Interim Benchmark.* We find that requiring an interim milestone is supported by the record, serves the public interest, and is similar to our approach in other, similar spectrum bands. A 40 percent build-out per license area benchmark is consistent with the interim benchmarks established in other bands and with various proposals suggested by commenters. For instance, Verizon proposes adopting a build-out requirement of 40 percent of the population within 4 years. Blooston Rural Carriers also supports the Commission's proposed interim benchmark, but only if the Commission licenses the AWS–3 spectrum according to CMAs.

141. Several commenters argue that the FCC should start the build-out period on a date certain that is after the final transition date for government operations. We decline to do so. Instead, we set the interim build-out benchmark 6 years from the grant of the license, which should adequately account for the period of time it will take for Federal users to relocate out of the bands being reallocated for commercial use. Further, setting a date certain that is tied to initial grant of the AWS–3 band license will provide greater certainty to AWS–3 band licensees, their investors, and other interested parties. This does not mean, however, that an AWS–3 band licensee must wait

for the all Federal users to relocate; an AWS–3 licensee can begin operating in a specific license area after successful coordination and as soon as it is confirmed that the Federal users have fully relocated out of that particular license area based on their projected transition timelines.

142. We reject the proposal of commenters who advocate a ''substantial service'' standard as the only gauge of performance. Our purpose is to ensure that timely and robust build-out occurs in this band and for the reasons enumerated above, we believe that concrete interim and final build-out benchmarks best advance this goal. Further, we note that in recent Commission decisions, the Commission has replaced the substantial service standard with specific interim and final build-out requirements.

143. *Evaluation of reliable signal coverage and service offering for unpaired, uplink only licenses at 1695–1710 MHz.* As discussed above, the 1695–1710 MHz band is low-power, uplink-only spectrum and must be paired with base stations. For the Commission to determine whether the 1695–1710 MHz band licensee is meeting its performance benchmarks, the 1695–1710 MHz band licensee must pair this uplink spectrum with downlink spectrum. Once the licensee's base stations are built or modified to control and receive 1695–1710 MHz uplinks, the reliable signal coverage of such base stations (in bands paired with 1695–1710 MHz) will determine the percentage of the population served in the licensed area of the 1695–1710 MHz uplinks, assuming that the licensee is offering service that includes UE that transmits in the 1695–1710 MHz band. Any base station to be built or modified that is located in a Protection Zone must be successfully coordinated with Federal incumbents prior to enabling/serving uplink devices that transmit in the 1695–1710 MHz. The 1695–1710 MHz licensee must show that it is complying with the build-out requirements applicable to all AWS–3 licensees, in addition to separately meeting the performance obligations for any spectrum bands paired with the 1695–1710 MHz spectrum. If the 1695–1700 MHz licensee fails to meet a benchmark, it will be subject to penalties discussed herein. However, failure to meet an AWS–3 band benchmark would not affect the downlink side of the pair, assuming that the licensee was complying with the performance obligations for that downlink spectrum.

144. *Penalty for failure to meet the interim benchmark.* Commenters generally support the Commission's proposal to assess a penalty on licensees that fail to meet the interim construction benchmark. Therefore, like similar spectrum bands, we accelerate by 2 years the time frame to complete build-out and the length of the license term. Because the initial license term is 12 years, if a licensee fails to meet the interim benchmark, it must complete its final build-out requirement within 10 years, when its license term also expires.

145. *Final Benchmark.* Within 12 years of the initial grant (or 10 years if the interim benchmark is not met), a licensee shall provide reliable coverage and offer wireless service to at least 75 percent of the population in each of its license areas. Commenters generally support the Commission's approach. Establishing a final build-out benchmark that coincides with the end of the initial license term is consistent with how the Commission has formulated performance requirements in other spectrum bands. Because we have set the interim benchmark at 6 years and we have created a 12-year initial license term, we find Verizon's suggestion that we establish a 7-year final build-out requirement to be unduly accelerated and we therefore decline to adopt it. Under the circumstances, a 12-year construction milestone provides a reasonable timeframe for a licensee to deploy its network and offer widespread service, provided it meets its interim benchmark. Licensees that do not meet the 6-year interim benchmark must accelerate their final build out by 2 years to meet the final benchmark by the end of their shortened, 10-year license term.

146. *Penalty for failure to meet the final benchmark.* Where a licensee fails to meet the final build-out requirement in any EA or CMA, its authorization for each EA or CMA in which it fails to meet the requirement shall terminate automatically without further Commission action. Automatic termination is a common remedy for failure to build part 27 flexible use licenses and is the approach adopted by the Commission in the *AWS–4 Report and Order* and the *H Block Report and Order.* By terminating only the specific licenses where a licensee fails to meet the final benchmark, we will not directly affect a licensee's customers in other license areas. We decline to adopt ''keep-what-you-use'' as a penalty for failure to meet construction requirements as some commenters suggest, because these proposals may encourage less robust build-out by a licensee that decides not to fully build out to the final benchmark.

147. As a general matter, we expect that AWS–3 band licensees will meet the performance requirements because of the serious consequences associated with non-compliance, including automatic license cancellation. Further, we expect that licensees' deployment will generally exceed the levels set forth in the benchmarks, and that these build-out requirements generally represent a floor—not a ceiling. As for USCC's assertion that automatic termination is too punitive, the Commission has explained in the past that we do not consider automatic termination to be overly punitive or unfair, particularly given that the Commission has applied this approach to nearly all geographically-licensed wireless services. Further, the Commission has rejected the argument, and we do so again here, that an automatic termination penalty would deter capital investment, observing that the wireless industry has invested billions of dollars and has flourished under this paradigm in other spectrum bands. For the same reason, we believe that an automatic termination penalty will have little effect on auction participation, as suggested by USCC. Finally, we do not agree with USCC that automatic termination harms the public because, even if a customer loses service from a provider when it loses spectrum rights for a particular EA or CMA, alternative providers may be available. We also expect that a future licensee for that EA or CMA may ultimately be able to serve more customers.

148. In the event a licensee's authority to operate terminates, the licensee's spectrum rights would become available for reassignment pursuant to the competitive bidding provisions of section 309(j). Further, consistent with the Commission's rules for other part 27 spectrum bands, including AWS–1, AWS–4, and H Block, any AWS–3 licensee who forfeits its license for failure to meet its performance requirements would be precluded from regaining the license. Therefore, we reject Verizon's ''new applicant'' proposal that would effectively provide a mechanism for a licensee who failed to meet the final build-out requirement to continue to hold onto its fallow spectrum unless a competing bidder emerged.

149. *Gulf of Mexico.* Having received no comments on the Gulf of Mexico performance requirements, and recognizing that we are licensing wireless service in the Gulf (as EA 176), we adopt the same coverage requirements as set forth above. We note one exception, however: we will calculate ''population'' pursuant to the

approach taken in *Small Ventures Memorandum Opinion and Order.* In that order, the Wireless Bureau recognized that using the conventional Census tract methodology for determining population in the Gulf of Mexico would be infeasible because the EAs in the Gulf consist of a body of water with non-permanent, mobile residents. Consistent with that order, we allow a Gulf of Mexico licensee to use all off-shore platforms, including production, manifold, compression, pumping and valving platforms as a proxy for population in the Gulf of Mexico for purposes of meeting build-out obligations. Thus, in lieu of measuring its build-out obligations based on population, a licensee serving the Gulf of Mexico shall within six (6) years provide reliable coverage and offer wireless service to at least forty (40) percent of all off-shore platforms in its license areas and within 12 years (or at the end of the license term), provide reliable coverage and offer wireless service to at least 75 percent of all off-shore platforms in its license area in the Gulf of Mexico. If a licensee fails to meet the interim benchmark, the final benchmark and initial license term are accelerated by 2 years—from 12 to 10 years. All penalties and other compliance procedures adopted herein, excluding those in paragraph 152 below discussing the methodology for meeting population-based build-out requirements shall apply to a Gulf of Mexico licensee.

150. *Compliance Procedures.* Finding the proposed compliance procedures to be in the public interest and having received no comments on the issue, we adopt the proposal in the *AWS–3 NPRM* to require AWS–3 licensees to comply with § 1.946(d) of our rules. Specifically, this rule requires that licensees must demonstrate compliance with their performance requirements by filing a construction notification within 15 days of the relevant milestone certifying that they have met the applicable performance benchmark. Additionally, consistent with the *AWS–4 Report & Order* and the *H Block R&O,* we require that each construction notification include electronic coverage maps and supporting documentation, which must be truthful and accurate and must not omit material information that is necessary for the Commission to determine compliance with its performance requirements.

151. Electronic coverage maps must accurately depict the boundaries of each license area in the licensee's service territory. If a licensee does not provide reliable signal coverage to an entire CMA or EA, as applicable, its map must accurately depict the boundaries of the area or areas within each CMA or EA, as applicable, not being served. Each licensee also must file supporting documentation certifying the type of service it is providing for each licensed area within its service territory and the type of technology used to provide such service. Supporting documentation must include the assumptions used to create the coverage maps, including the propagation model and the signal strength necessary to provide reliable service with the licensee's technology.

152. The licensee must use the most recently available decennial U.S. Census Data at the time of measurement to meet the population-based build out requirements. Specifically, a licensee must base its claims of population served on areas no larger than the Census Tract level. The Census Bureau defines Census Tracts as ''small, relatively permanent statistical subdivisions of a county delineated by local participants as part of the U.S. Census Bureau's Participant Statistical Areas Program . . . [T]he entire United States is covered by census tracts.'' This requirement tracks the Commission's action requiring broadband service providers to report ''snapshots'' of broadband service at the Census Tract level twice each year by completing FCC Form 477.

153. *Renewal Criteria:* Section 308(b) of the Communications Act authorizes the Commission to require renewal applicants to ''set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station[,]'' as well as ''such other information as it may require.'' In the *AWS–3 NPRM,* the Commission proposed to adopt license renewal requirements consistent with those adopted in the *700 MHz First Report and Order,* the *AWS–4 Report and Order,* and the *H Block R&O.* Under those requirements, renewal applicants must file a ''renewal showing,'' in which they demonstrate that they have been and are continuing to provide service to the public, and are compliant with the Communications Act and with the Commission's rules and policies. In the *AWS–3 NPRM,* we proposed to apply to AWS–3 licensees the same renewal showing requirement recently adopted in the *H Block R&O.*

154. In the *AWS–3 NPRM,* the Commission sought comment on whether AWS–3 band licensees should be awarded renewal expectancies if they meet their performance obligations and otherwise comply with the Commission's rules and policies and the Communications Act throughout their license term. The Commission also inquired whether licensees should receive a renewal expectancy for subsequent license terms if they continue to provide at least the level of service demonstrated at the final performance benchmark through the end of any subsequent license terms. Finally, the Commission proposed that, consistent with its 700 MHz licensing paradigm, it would prohibit the filing of competing license renewal applications, and that if a license is not renewed, the associated spectrum would be returned to the Commission for assignment.

155. Pursuant to section 308(b) of the Communications Act, we will require AWS–3 band licensees seeking license renewal to file renewal applications; below, we specify the information that renewal applicants must provide to enable the Commission to assess whether renewal is warranted and in the public interest. Where a license is not renewed, the associated spectrum will be returned to the Commission and made available for assignment. We will not permit the filing of competing applications against license renewal applications.

156. We apply to AWS–3 band licensees the same renewal showing requirements we recently adopted for the H Block. Specifically, an AWS–3 band licensee's renewal showing must provide a detailed description of its provision of service during the entire license period and discuss: (1) The level and quality of service provided (including the population served, the area served, the number of subscribers, and the services offered); (2) the date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (3) the extent to which service is provided to rural areas; (4) the extent to which service is provided to qualifying tribal land as defined in § 1.2110(e)(3)(i) of the Commission's rules; and (5) any other factors associated with the level of service to the public. Accordingly, we hereby modify § 27.14 of the Commission's rules to apply these renewal showing criteria to the AWS–3 bands. Nothing in our decision today prejudges or forecloses the Commission's future consideration of the policies and proposed rules, and related record, for the *WRS Renewals NPRM,* which remains pending. In addition, we emphasize that licensees seeking renewal bear the risk of future changes to our rules that may alter this renewal expectancy.

157. Based on the record before us and our analysis below, we find that the renewal requirements we establish for

AWS–3 band licensees are in the public interest and that their benefits outweigh any likely costs. In recent years, the Commission has refined its license renewal policies—beginning with the *700 MHz First Report and Order* in 2007, later in the *AWS–4 Report and Order,* and more recently in the *H Block Report and Order.* Through these actions, we have established that licensees must demonstrate that they are providing adequate levels of service over the course of their license terms, and here we act consistently with that policy. Consequently, we adopt renewal criteria for the AWS–3 band that are based on those criteria adopted in the *700 MHz First Report and Order* and that were similarly followed in the *AWS–4 Report and Order* and the *H Block Report and Order.* We believe these renewal requirements will provide licensees certainty regarding the factors that the Commission will consider during the renewal process, thereby facilitating investment decisions regarding broadband rollout. We also find that these requirements address commenters' concerns that the renewal process not unnecessarily burden licensees or deter investment.

158. In adopting these criteria, we decline to adopt at this time AT&T's proposal to categorically provide a renewal expectancy to all licensees that meet their performance requirements and comply with the Communications Act and the Commission's rules. USCC claims that renewal expectancies, based solely on performance requirements, would provide certainty to licensees and investors. As the Commission has consistently stated, performance and renewal showings are distinct; they serve different purposes and, if not met, the Commission may apply different penalties. A performance showing provides a snapshot in time of the level of a licensee's service, whereas a renewal showing provides information regarding the level and types of service provided over the course of a license term. We disagree, therefore, with AT&T's contention that there is ''no identifiable benefit'' to requiring licensees to make a renewal showing. We emphasize that where a licensee meets the applicable performance requirements, but fails to provide continuity of service (by, for example, repeatedly discontinuing operations between required performance showings for periods of less than 180 days), the Commission could find that renewal would be contrary to the public interest. We note that, in addressing broadcast license renewal proceedings, Congress has specifically established a standard that takes into consideration not only compliance with Commission rules but also whether ''the station has served the public interest, convenience, and necessity.'' Where a licensee fails to meet its interim performance requirement and becomes subject to a 2-year acceleration of both its final performance requirement and its license term, its final performance showing might merely reflect a snapshot in time of compliance with the performance requirement. By contrast, its renewal application must provide a timeline of its provision of service, the percentage of the license-area population covered, and types of service provided over the course of the license term, including any efforts to meet the interim performance requirement.

159. For subsequent license terms, licensees are likely—absent extraordinary circumstances—to obtain license renewal if they submit satisfactory showings demonstrating that they have maintained or exceeded the level of coverage and service required at the final performance benchmark (during the initial license term), and otherwise comply with the Commission's rules and policies and the Communications Act. We decline, however, to ''codify'' a renewal expectancy as USCC proposes, at this time.

160. Finally, we reject USCC's proposal that we permit competing renewal applications or, in their absence, process unopposed applications in the same manner as renewals in the cellular and PCS services. We find that the public interest would be ill-served by permitting the filing of potentially time-consuming and costly competing applications. As the Commission explained in the *700 MHz First Report and Order,* prohibiting competing applications ''protects the public interest without creating incentives for speculators to file 'strike' applications.'' *700 MHz First Report and Order,* 22 FCC Rcd at 8093 para. 76; *see also AWS–4 Report and Order,* 27 FCC Rcd at 16202 para. 272; *H Block R&O,* 28 FCC Rcd at 9568 para. 224. The renewal requirements we adopt today will provide Commission staff with ample information to determine whether license renewal would serve the public interest.

161. *Permanent Discontinuance of Operations:* In the *AWS–3 NPRM,* the Commission asked whether it should apply to AWS–3 band wireless licensees the rules governing the permanent discontinuance of operations. According to § 1.955(a)(3), an authorization will automatically terminate, without specific Commission action, if service is ''permanently discontinued.'' Consistent with the definition that the Commission adopted for the H Block and the AWS–4 band, the Commission proposed to define for the AWS–3 band ''permanently discontinued'' as a period of 180 consecutive days during which the licensee does not provide service in each of its licensed areas to at least one subscriber that is not affiliated with, controlled by, or related to, the provider. For licensees that use their licenses for private, internal communications, the Commission proposed in the *AWS–3 NPRM* to define ''permanent discontinuance'' as a period of 180 consecutive days during which the licensee does not operate. The Commission proposed that licensees would not be subject to these requirements until the date of the first performance requirement benchmark.

162. In addition, the Commission proposed that a licensee must notify the Commission within 10 days if it permanently discontinues service, by filing FCC Form 601 or 605 and requesting license cancellation, consistent with § 1.955(a)(3) of the Commission's rules. The Commission emphasized that even if a licensee fails to file the required form, however, an authorization will automatically terminate without specific Commission action if service is permanently discontinued. The Commission sought comment on these proposals, including their associated costs and benefits.

163. We adopt the Commission's proposal and determine that § 1.955(a)(3) of the Commission's rules will apply to all AWS–3 band licensees, including holders of both EAs and CMAs, and find that the benefits of applying this rule outweigh any potential costs of doing so. Thus, a licensee's authorization will automatically terminate, without specific Commission action, if service is ''permanently discontinued.'' As the Commission has previously explained, the operation of so-called channel keepers, *e.g.,* devices that transmit test signals, tones, and/or color bars, do not constitute ''operation'' under § 1.955(a)(3) or the Commission's other permanent discontinuance rules. AT&T does not object to the discontinuance proposal but asks for clarification of § 1.9030(d)(5) of the Commission's rules on long-term *de facto* transfer leasing arrangements to count a lessee's continuous service toward the underlying licensee's service obligation in order to avoid triggering the permanent discontinuance rule. Any performance or build-out requirement applicable under a license authorization always remains a condition of the

license, and the legal responsibility for meeting such obligation is not delegable to the spectrum lessee(s). An AWS–3 licensee is also accountable for any discontinuance of operation and the rules will be enforced against the licensee regardless of whether the licensee was relying on the activities of a lessee to meet particular performance requirements. However, the licensee may attribute to itself the build-out or performance activities of its spectrum lessee(s) for purposes of complying with any applicable build-out or performance requirement.

164. In accordance with our proposal, for providers that identify their regulatory status as common carrier or non-common carrier, we define ''permanently discontinued'' as a period of 180 consecutive days during which the licensee does not provide service in the individual license area (or smaller service area in the case of a partitioned license) to at least one subscriber that is not affiliated with, controlled by, or related to, the provider. We adopt a different approach for wireless licensees that use their licenses for private, internal communications, however, because such licensees generally do not provide service to unaffiliated subscribers. For such private, internal communications, we define ''permanent discontinuance'' as a period of 180 consecutive days during which the licensee does not operate. In other words, the rule that we adopt for private, internal communications does not include a requirement that the licensee provide service to an unaffiliated subscriber in order to avoid triggering the permanent discontinuance rule. A licensee will not be subject to the discontinuance rules until the date it must meet its first performance requirement benchmark, a rule which will avoid penalizing licensees that construct early, but then may shut down for 180 days before their first performance benchmark date.

165. *Secondary Markets: Partitioning and Disaggregation.* In the *AWS–3 NPRM,* the Commission proposed to permit AWS–3 band licensees to partition geographic markets and disaggregate spectrum under existing part 27 partitioning and disaggregation rules. *See* 47 CFR 27.15. A partitionee or disaggregatee is authorized to hold its license for the remainder of the partitioner's or disaggregator's license term. *See* 47 CFR 27.15(c). Specifically, it proposed that any entity holding an AWS–3 band license, including parties to any partitioning or disaggregation arrangement pertaining to an AWS–3 band license, must independently meet the applicable technical rules and regulatory requirements, including performance and renewal requirements. The Commission proposed this approach to facilitate efficient spectrum use, while enabling service providers to configure geographic area licenses and spectrum blocks to meet their operational needs.

166. We adopt the part 27 partitioning and disaggregation rules for the AWS–3 band. Very few commenters discuss partitioning and disaggregation, but those who do support this approach. Verizon agrees that the Commission ''should apply its existing part 27 geographic partitioning, disaggregation, and spectrum leasing rules to AWS–3 licensees.'' Further, permitting disaggregation and partitioning will help facilitate investment and rapid deployment in the AWS–3 band, while giving licensees flexibility to use the spectrum to meet changing market demand. As the Commission noted when it first adopted partitioning and disaggregation rules, allowing this type of flexibility can facilitate the efficient use of spectrum, and expedite provision of services in areas that might not otherwise receive service in the near term. We conclude, based on the record before us, that permitting partitioning and disaggregation is in the public interest, and the associated benefits would outweigh any potential costs.

167. As proposed in the *AWS–3 NPRM,* we require any AWS–3 band licensee that is a party to any partitioning or disaggregation arrangement (or combination of both) to independently meet the applicable technical rules and regulatory requirements, including performance and renewal requirements. As the Commission has previously observed, this approach should facilitate efficient spectrum usage and prevent the avoidance of timely construction as a result of the vagaries of the secondary market, while still providing operators with the flexibility to design their networks according to their operational and business needs. Commenters support this approach, which is consistent with our treatment of other part 27 services. For example, Verizon states that allowing licensees ''the ability to partition and/or disaggregate portions of their spectrum holdings, and/or to lease such holdings, promotes a robust secondary market in spectrum.'' We agree with Verizon that these rules have been effective and should be applied to the AWS–3 band.

168. *Spectrum Leasing.* In the *AWS–3 NPRM,* the Commission proposed to apply to AWS–3 band licensees the spectrum leasing policies established in various Secondary Market proceedings in the same manner that those policies and rules apply to other part 27 services. Since 2003, these secondary market policies and rules have enabled licensees to lease some or all of their spectrum usage rights to third party spectrum lessees, who are permitted to provide wireless services consistent with the underlying license authorization.

169. We adopt the same spectrum leasing policies and rules that apply to other part 27 services. Wireless Radio Services do not include satellite services. 47 CFR 1.907. Under these secondary market policies and rules, the service rules and policies applicable to the licensee under its license authorization—including all technical, interference, and operational rules—apply to the spectrum lessee as well. The rules and procedures for spectrum leasing arrangements are set forth in part 1, subpart X. 47 CFR 1.9001 *et seq.* Commenters that discuss spectrum leasing support the proposals made in the *AWS–3 NPRM* and agree that adopting spectrum leasing rules will promote the public interest. For example, TIA notes that ''[c]onsistency with leasing rules that apply to other terrestrial spectrum is a virtue, and helps ensure that future transactions can proceed with greater predictability and transparency.'' Our secondary markets policies are designed to promote more efficient, innovative, and dynamic use of the spectrum, expand the scope of available wireless services and devices, enhance economic opportunities for accessing spectrum, and promote competition among providers. Likewise, allowing spectrum leasing in the AWS–3 band will serve these same purposes. We also observe that ''[f]or a particular spectrum band, spectrum leasing policies generally follow the same approach as the partitioning and disaggregation policies for the band.'' Thus, our decision to permit spectrum leasing in the AWS–3 band is consistent with our determination above to permit partitioning and disaggregation of AWS–3 band spectrum.

170. *Other Operating Requirements.* In the *AWS–3 NPRM,* the Commission explained that even though we issue licenses in the AWS–3 band pursuant to one rule part (part 27), we may require licensees in this band to comply with rules contained in other parts of the Commission's rules, depending on the particular services they provide. The Commission sought comment on whether we need to modify any provisions in existing, service-specific rules to ensure that we cover AWS–3 band licensees under the necessary Commission rules. In addition, the

Commission sought comment on any rules that would be affected by the proposal to apply elements of the framework of these rule parts, whether separately or in conjunction with other requirements.

171. Although we primarily adopt rules for the AWS–3 band in part 27, in order to maintain general consistency among various wireless communication services, we also require AWS–3 licensees to comply with certain other rule parts that pertain generally to wireless communication services. No commenter opposes this approach. Section 27.3 of the Commission's rules lists some of the rule parts applicable to wireless communications service licensees. In addition, other FCC rules may apply to wireless licensees, including those that apply only to certain wireless licensees, depending on the specific type of service or services that a particular licensee provides. *See, e.g.,* 47 CFR part 9 (wireless licensees providing interconnected VoIP services are subject to E911 service requirements); *see generally,* parts 20, 22, 24, 27 and 101 for other wireless licensee obligations. We thus find it appropriate to apply § 27.3 and the rules referenced therein, as well as similar rules applicable to wireless communications service licensees, to AWS–3 band licensees. In so doing, we will maintain consistency among various wireless communications services which we find will best serve the public interest. For these same reasons, we also find that the benefits of this approach outweigh any potential costs.

172. *Facilitating Access to Spectrum and the Provision of Service to Tribal Lands.* The *AWS–3 NPRM* explained that the Commission is currently considering various provisions and policies intended to promote greater use of spectrum over Tribal lands. The Commission proposed to extend any rules and policies adopted in that proceeding to any licenses that may be issued through competitive bidding in this proceeding. The Commission sought comment on this proposal and any costs and benefits associated with it.

173. We will extend any rules and policies adopted in the Tribal Lands proceeding to any AWS–3 license that may be issued through competitive bidding. Because that proceeding is specifically focused on promoting greater use of spectrum over Tribal lands, we find that it is better suited than the instant proceeding to reach conclusions on that issue.

174. *Competitive Bidding Procedures.* As discussed above, the Spectrum Act requires the Commission to grant new initial licenses for the use of spectrum in certain specified frequency bands through a system of competitive bidding. *See* 47 U.S.C. 1451(b)(1), (2). The spectrum, as specified in the Spectrum Act, is as follows (in addition to the spectrum previously addressed in the *H Block R&O):* 2155–2180 MHz, 15 megahertz of spectrum identified by NTIA between 1675 and 1710 MHz, and 15 megahertz of contiguous spectrum to be identified by the Commission. *See* 47 U.S.C. 1451(b)(2). As noted above, NTIA identified the 1695–1710 MHz band for reallocation from Federal use to non-Federal use, and the Commission has identified the 1755–1780 MHz band in satisfaction of the Spectrum Act's requirement that it identify 15 megahertz of contiguous spectrum in addition to the bands specifically identified in the Act. We will therefore assign licenses in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands by auction. We will conduct any auction for licenses in these bands pursuant to our standard competitive bidding rules found in part 1, subpart Q of the Commission's rules and will provide bidding credits for qualifying small businesses, as proposed in the *AWS–3 NPRM.* Below we discuss our reasons for adopting the relevant proposals.

175. *Application of part 1 Competitive Bidding Rules.* The Commission proposed in the *AWS–3 NPRM* to conduct any auction for licenses in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands in conformity with the general competitive bidding rules set forth in part 1, subpart Q, of the Commission's rules, and substantially consistent with the competitive bidding procedures that have been employed in previous auctions. The *AWS–3 NPRM* also made proposals and solicited comment on applying the part 1 competitive bidding rules to the 2020–2025 MHz band. However, we will defer further consideration of this band until the downlink/uplink status of the adjacent 2000–2020 MHz band is resolved. Accordingly, we limit herein our discussion of the proposals and our decisions concerning competitive bidding procedures to the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands. Additionally, the Commission proposed to employ the part 1 rules governing competitive bidding design, designated entity preferences, unjust enrichment, application and payment procedures, reporting requirements, and the prohibition on certain communications between auction applicants. Under this proposal, such rules would be subject to any modifications that the Commission may adopt for its part 1 general competitive bidding rules in the future. The *AWS–3 NPRM* also sought comment on whether any part 1 rules would be inappropriate or should be modified for an auction of licenses in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands.

176. The limited comment we received generally supports the Commission's proposed use of its standard competitive bidding rules for an auction of AWS–3 band licenses. Verizon Wireless asks the Commission to narrow the scope of § 1.2105(c)'s prohibition on certain communications by (1) confirming that the rule does not apply to unrelated routine business discussions and agreements; (2) confirming that discussions regarding generic technical handset and network issues that occur, for example, in industry standard-setting meetings or with equipment manufacturers, are not prohibited; (3) narrowing the definition of who is an ''applicant'' to exclude owners of 10% or more of the applicant entity; and (4) shortening the period during which the rule is in effect to end at the close of bidding, rather than that the down payment deadline. T-Mobile supports Verizon Wireless's request, and submits that the requested changes will not interfere with the primary purposes of the Commission's rule and will enhance competition. Sprint opposes Verizon Wireless's requested changes to the rule, and cautions against adopting any wide-reaching revisions or alterations that have the potential consequence of undermining competition. Sprint supports the Commission's consideration of the particular circumstances and competitive dynamics surrounding any particular auction in formulating appropriate competitive bidding rules, but submits that a blanket revision to the Commission's competitive bidding rules, or revisions not attuned to the particular competitive dynamics of a specific auction such as the AWS–3 auction, would not promote the public interest. While Sprint notes that the extraordinary complexity of the broadcast incentive auction might warrant revisions to facilitate participation by smaller bidders, it urges the Commission to carefully scrutinize Verizon Wireless's proposal to relax the rule for an AWS–3 auction. Other commenters express views on topics that are generally considered after the adoption of service rules, during the pre-auction process for establishing

procedures for conducting an AWS–3 auction. For example, some parties state their positions on auction design and the use of package bidding for any auction of AWS–3 spectrum, with some in favor and others opposed. *See* Verizon Wireless Comments at 16–17; TIA Comments at 14; Cellular One Comments at 1–3; USCC Comments at 36–49; USCC Reply Comments at 43–47; Smith Bagley, MTPCS, and Cellular Network Partnership Joint Reply at 4–5. *See also* AT&T Comments at 13. Likewise, T-Mobile recommends that the Commission make certain changes to its auction procedures concerning how reserve prices, minimum opening bids, and additional bid amounts are calculated. T-Mobile Reply Comments at 25–26. Because those issues are properly considered in the context of the separate, future proceeding to establish procedures for conducting an AWS–3 auction, we will not address those comments here. *See* AT&T Reply at 13 (package bidding and other auction procedures are traditionally considered after the adoption of service rules).

177. Based on our review of the record and our prior experience with conducting auctions, we conclude that the Commission's Part 1 bidding rules should govern the conduct of any AWS–3 auction. We decline to modify the part 1 rules as Verizon Wireless requests. We disagree with Verizon Wireless's claim that the Commission has extended the restrictions in § 1.2105(c) to routine business discussions, and that such an extension has resulted in uncertainty for auction applicants as to whether discussions that are unrelated to bids or bidding strategies or to post-auction market structure could violate the rule. The plain text of the rule makes clear that business discussions and negotiations that are *unrelated* to bids or bidding strategies or to post-auction market structure are not prohibited by the rule. The rule's prohibition has always been aimed at the specific content of an applicant's communication to a competing applicant regardless of the context or situation in which such content is communicated. Conversely, if the content of an applicant's communication does not fall within the prohibition, the particular situation in which the communication occurs will not alone make it a violation. Thus, contrary to Verizon Wireless's assertion, the Commission has not extended the prohibition in § 1.2105(c), because the types of prohibited content have remained unchanged, while the potential contexts and situations in which an applicant is prohibited from communicating that content have always been undefined. Moreover, the Wireless Telecommunications Bureau (''Bureau'') has previously issued guidance explaining that, although auction applicants competing for licenses in the same geographic areas, or competing for licenses in the same areas in competing services, must affirmatively avoid all communications with each other that affect, or have the potential to affect, their bids or bidding strategy, this does not mean that all business negotiations between such applicants are prohibited. *See* Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction, *Public Notice,* DA 98–37, 13 FCC Rcd 341, 347 (1998). The public notices issued by the Bureau establishing the procedures for each auction also provide detailed guidance to auction applicants and bidders regarding section 1.2105(c), including its application to particular types of communications. We think the Bureau's guidance regarding the applicability of § 1.2105(c) provided to date is sufficiently clear and find the clarification requested by Verizon Wireless to be unnecessary.

178. Given the clarity of our rule, we likewise find it unnecessary to confirm in advance that particular types of discussions or negotiations by particular applicants are in compliance with our rule, or to establish a safe harbor for otherwise prohibited communications made by personnel that an applicant has ''walled off'' from certain other personnel. We emphasize that the specific types of communications with which Verizon Wireless expresses concern would not fall within the prohibition in § 1.2105(c) unless they divulge bids or bidding strategies or discuss or negotiate settlement agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including agreements relating to the post-auction market structure. We conclude that the Bureau's past guidance regarding the applicability of § 1.2105(c) provides sufficient information to allow auction applicants to structure their routine business activities accordingly so that they do not run afoul of the rule.

179. We also decline Verizon Wireless's request to amend the prohibited communications rule in the context of this AWS–3 service rules proceeding to narrow the definition of an ''applicant'' for purposes of the rule to include only the filing entity and its controlling equity interest holders, or to shorten the period during which the rule prohibiting certain communications is in effect to end at the close of bidding. As noted above, the *AWS–3 NPRM* sought comment on whether any of our part 1 rules would be inappropriate or should be modified specifically for an auction of AWS–3 spectrum. None of the commenters who advocated revisions to the part 1 rules explained whether or how their suggestions relate specifically to, or would be particularly necessary or appropriate for, an auction of licenses in the AWS–3 bands. Given the limited record received on this topic, without more comment, we are not inclined to adopt amendments to our general competitive bidding rules in the context of adopting service-specific rules for AWS–3 spectrum.

180. *Revision to part 1 Certification Procedures.* Section 6004 of the Spectrum Act prohibits ''a person who has been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant'' from participating in a system of competitive bidding under section 309(j) required to be conducted under Title VI of the Spectrum Act. In 2013, the Commission amended its rules to implement this Spectrum Act mandate by adding a national security certification to the application to participate in competitive bidding. The Commission noted in the *AWS–3 NPRM* that it would require this additional certification from all applicants in any short-form application to participate in competitive bidding for licenses in the AWS–3 bands that are subject to the Spectrum Act. Accordingly, an AWS–3 auction applicant must certify, under penalty of perjury, that it and all of the related individuals and entities required to be disclosed on the short-form application are not persons who have ''been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.'' As with the other certifications on the short-form application, failure to include the required certification by the applicable filing deadline would render the short-form application unacceptable for filing, and the applicant would be ineligible to participate in the auction.

181. *Small Business Provisions for Geographic Area Licenses.* As discussed in the *AWS–3 NPRM,* in authorizing the Commission to use competitive bidding, Congress mandated that the Commission ''ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services.'' In addition, section 309(j)(3)(B) of the

Communications Act provides that, in establishing eligibility criteria and bidding methodologies, the Commission shall seek to promote a number of objectives, including ''economic opportunity and competition . . . by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.'' One of the principal means by which the Commission fulfills this mandate is through the award of bidding credits to small businesses.

182. In the *Competitive Bidding Second Memorandum Opinion and Order,* the Commission stated that it would define eligibility requirements for small businesses on a service-specific basis, taking into account the capital requirements and other characteristics of each particular service in establishing the appropriate threshold. Further, in the *Part 1 Third Report and Order,* the Commission, while standardizing many auction rules, determined that it would continue a service-by-service approach to defining the eligibility requirements for small businesses.

183. The Commission proposed in the *AWS–3 NPRM* to define a small business as an entity with average gross revenues for the preceding 3 years not exceeding $40 million, and a very small business as an entity with average gross revenues for the preceding 3 years not exceeding $15 million. Under this proposal, small businesses would be provided with a bidding credit of 15 percent and very small businesses with a bidding credit of 25 percent, consistent with the standardized schedule in part 1 of our rules. This proposal was modeled on the small business size standards and associated bidding credits that the Commission adopted for the AWS–1 band, based on the belief that the AWS–3 bands would be employed for purposes similar to those for which the AWS–1 band is used. The *AWS–3 NPRM* noted that these small business size standards and associated bidding credits were adopted for the AWS–1 band because of the similarities between the AWS–1 service and the broadband PCS service, and that the Commission had followed this approach when proposing small business size standards and associated bidding credits in the *2004 NPRM* and when adopting them in the *AWS–4 Service Rules R&O* and the *H Block R&O.*

184. The Commission sought comment on these proposals, including the costs or benefits of these standards and associated bidding credits, particularly as they may relate to the size of the geographic areas to be served and the spectrum allocated to each license. The Commission also specifically sought comment on whether the small business provisions it proposed are sufficient to promote participation by businesses owned by minorities and women, as well as rural telephone companies. The limited comment we received on the Commission's proposal to offer small business bidding credits in an auction for the AWS–3 bands is generally supportive. The *AWS–3 NPRM* also proposed to extend any rules and policies adopted in the Commission's Tribal lands proceeding to any assignment of licenses in the AWS–3 bands through competitive bidding; *see also Tribal Lands NPRM,* 26 FCC Rcd at 2630–31 paras. 19–20 (2011). No commenter addressed this proposal, and we see no reason to depart from our proposed approach here.

185. Blooston Rural Carriers support the Commission's proposed small business bidding credits, but ask the Commission to consider offering additional support to incumbent rural carriers in the AWS–3 auction through an additional (cumulative) bidding credit of 15 percent for entities that qualify as a ''rural telephone company'' or that are a subsidiary or affiliate of a qualified rural telephone company under the Commission's rules. This bidding credit would be available in addition to any other bidding credit for which an applicant may be eligible, but the credit would be limited to licenses that cover all or part of the rural carrier's certificated wireline service area. Blooston Rural Carriers submit that such an additional bidding credit would effectively help companies compete with large regional and wireless carriers in their local service territory and with carriers bidding more densely populated areas. The Commission has previously considered proposals to create an additional rural telephone company bidding credit. In declining to adopt such past proposals, the Commission observed that proponents of this type of credit had been unable ''to demonstrate a historical lack of access to capital that was the basis for according bidding credits to small businesses, minorities and women,'' and that ''[i]n subsequent decisions, large rural telcos have failed to demonstrate any barriers to capital formation similar to those faced by other designated entities.'' While the Commission has not intended to apply the part 1 bidding credit schedule uniformly to all services without any opportunity for the consideration of alternative bidding credits, the schedule of size standards and bidding credits described in our part 1 rules provides small businesses with consistency and predictability and we are not persuaded that we should deviate from that schedule here. As discussed above, the Commission took the characteristics of the AWS–3 service into consideration when proposing the two size standards and associated bidding credits in the *AWS–3 NPRM.* Based on the record in this proceeding, we decline to adopt a bidding credit for incumbent rural carriers in addition to the small business bidding credits that we adopt for the AWS–3 bands.

186. CCA also supports the Commission's proposal to offer small business bidding credits, but asks the Commission to amend its bidding credit provisions to better fulfill the purposes of section 309 of the Communications Act. CCA asserts that the Commission's thresholds for defining small and very small business are decades old and have not kept pace with the realities of today's marketplace, and that the current definitions have the effect of excluding carriers that have no ability, or limited ability, to participate absent a bidding credit. CCA notes, by way of example, that the generally acceptable small business size standard for cellular or other wireless telecommunications entities as defined by the Small Business Administration (''SBA'') is firms with 1,500 or fewer employees (including affiliates). CCA urges the Commission to reevaluate its standards when determining eligibility for bidding credits in the AWS–3 auction, rather than using the same small business size standards that were used in prior AWS auctions, but offers no suggestions regarding what alternative size standards could potentially be used for AWS–3.

187. Based on the Commission's prior experience with the use of bidding credits in spectrum auctions, we believe that the use of bidding credits is an effective tool in achieving the statutory objective of promoting participation by designated entities in the provision of spectrum-based services. In the absence of small business size standards and bidding credits, designated entities might have less of an opportunity to obtain spectrum in this band. We believe that continuing to extend such benefits to the AWS–3 bands would be consistent with our statutory mandate. We are not persuaded by the record before us that we should adopt small business size standards for AWS–3 that differ from those used in prior AWS auctions. To the contrary, in light of the

similarities between AWS–3 and the other AWS services, we adopt for AWS–3 the size standards and associated bidding credits for small businesses used in prior AWS auctions. On March 20, 2014, we requested the U.S. Small Business Administration's approval of our final rule adopting these small business size standards. Moreover, we continue to believe that use of the small business size standards and credits set forth in the part 1 schedule provides consistency and predictability for small businesses, and conclude that we would be ill-advised in the absence of any alternative size standards proposals from commenters to adopt changes to our part 1 bidding credit schedule in the context of a proceeding establishing service-specific rules for the AWS–3 bands. We also note that in first adopting small business size standards for eligibility for designated entity benefits, the Commission rejected the SBA's 1,500 employee standard as a means to qualify as a designated entity. The Commission concluded that such a definition would be too inclusive and would allow many large telecommunications firms to take advantage of preferences not intended for them. Accordingly, for the AWS–3 bands, we will define a small business as an entity with average gross revenues for the preceding 3 years not exceeding $40 million, and a very small business as an entity with average gross revenues for the preceding 3 years not exceeding $15 million. Under these definitions, small businesses would be provided with a bidding credit of 15 percent and very small businesses with a bidding credit of 25 percent, consistent with the standardized schedule in part 1 of our rules. Given the record before us and the benefits discussed above, we conclude that the potential benefits of our proposals would likely outweigh any potential costs.

188. *Commercial Spectrum Enhancement Act Requirements.* The Commission noted in the *AWS–3 NPRM* that the CSEA established SRF to reimburse Federal agencies operating on certain frequencies that have been reallocated from Federal to non-Federal use for the cost of relocating their operations. The SRF is funded from cash proceeds attributable to ''eligible frequencies'' in an auction involving such frequencies. 47 U.S.C. 928(b). ''Eligible frequencies'' are defined as those in the 216–220 MHz band, the 1432–1435 MHz band, the 1710–1755 MHz band, the 2385–2390 MHz band, and any other band of frequencies reallocated from Federal use to non-Federal use or to shared use after January 1, 2003 that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act. CSEA requires NTIA to notify the Commission of estimated relocation costs and timelines for relocation from eligible frequencies by eligible Federal entities at least 6 months in advance of a scheduled auction of eligible frequencies. On March 20, 2013, the Commission notified NTIA that it ''plans to commence the auction of licenses in the 1695–1710 MHz band and the 1755–1780 MHz band as early as September 2014.'' CSEA further requires that the total cash proceeds from any auction of ''eligible frequencies'' must equal at least 110 percent of estimated relocation costs of eligible Federal entities, and prohibits the Commission from concluding any auction of eligible frequencies that falls short of this revenue requirement. Section 309(j)(16)(A) of the Communications Act, which was added by section 203(b) of CSEA, required the Commission to revise its existing regulations to prescribe methods by which the total cash proceeds from any auction of licenses authorizing use of ''eligible frequencies'' shall equal at least 110 percent of the total estimated relocation costs provided to the Commission by NTIA. In implementing rules and procedures necessary to comply with CSEA, the Commission amended its reserve price rule to provide that, for any auction of ''eligible frequencies'' requiring recovery of estimated relocation costs, the Commission will establish a reserve price or prices pursuant to which the total cash proceeds from any auction of eligible frequencies shall equal at least 110 percent of the total estimated relocation costs of provided to the Commission by NTIA. The Commission also modified its Tribal land bidding credit rule to enable the Commission, in auctions subject to CSEA, to award all eligible applicants tribal land bidding credits on a *pro rata* basis in the event that the net winning bids at the close of bidding (exclusive of tribal land bidding credits) are not sufficient both to meet the reserve price(s) and to award all eligible applicants full tribal land bidding credits. The reserve price and Tribal land bidding credit rules adopted by the Commission in the *CSEA Implementation Report and Order* remain in effect today.

189. The Commission invited comment on the applicability of the 110 percent requirement in the CSEA to the various relocation and sharing scenarios discussed in the *AWS–3 NPRM.* The Commission also noted in the *AWS–3 NPRM* that the proceeds of certain spectrum required to be auctioned under section 6401 of the Spectrum Act are to be deposited in the Public Safety Trust Fund established under section 6413 of the Spectrum Act, and invited comment on the potential interplay between these Spectrum Act provisions and the CSEA. We received no comment on either of these issues. *But see* Public Knowledge *Ex Parte,* dated March 13, 2014, at 4 (revenue not required for federal relocation should be distributed in accordance with the Spectrum Act); Public Interest Spectrum Coalition Ex Parte, dated February 20, 2014, at 2 and New America Foundation *Ex Parte,* dated March 24, 2014, at 3 (suggesting attribution of a larger share of the proceeds to the 2155–2180 MHz band). Accordingly, the 110 percent requirement will be addressed in the context of determining whether and how to establish the reserve price as the final procedures are developed—through a series of public notices with opportunities for comment—that will govern the auction of licenses in the AWS–3 bands.

190. *Multi-Stage Auction and Licensing Alternatives for 1.7 GHz.* The Commission acknowledged in the *AWS–3 NPRM* that the Federal/non-Federal sharing scenarios then under consideration by CSMAC are very complex and workable rules may prove difficult to implement prior to the licensing deadlines imposed by the Spectrum Act. The Commission therefore sought comment on alternative licensing constructs that could facilitate ongoing ''operator-to-operator'' negotiations between licensees in commercial bands (*e.g.,* 2155 MHz) and Federal agencies occupying complementary Federal bands (*e.g.,* 1.7 GHz), should sharing or relocation for exclusive use not be possible. The Commission asked whether, for example, the license for the commercial bands could be paired with an ''overlay'' license in Federal bands providing that commercial use of such bands would be entirely contingent upon successful coordination with incumbent Federal users, or alternatively, whether the commercial licenses could grant to the licensee exclusive eligibility status with respect to a future assignment of rights in such Federal bands. The Commission also asked whether an auction could proceed in two stages, to enable the initial assignment of a ''negotiation right'' and subsequent payments into the Spectrum Relocation Fund to facilitate relocation or upgrades pursuant to the CSEA. Under this scenario, for example, the

first stage could assign commercial licenses and any concomitant rights to negotiate with incumbent Federal users for the use of Federal spectrum, with the second stage consisting of a supplementary round with participation limited to eligible commercial licensees, and a reserve price set based on the 110 percent funding requirement established by the CSEA. The Commission invited comment on what approaches would generate the most certainty, and therefore expected value, in the use of the spectrum.

191. T-Mobile, the only commenter that addressed this issue, opposed the issuance of overlay licenses. While T-Mobile supports operator-to-operator negotiations post-auction in order to maximize commercial licensees' access to Federal spectrum, it maintains that an overlay license approach would be inconsistent with the Spectrum Act's preference to relocate federal users to the maximum extent feasible, and with the CSEA, because activities provided for in the statute such as studying relocation options and updating equipment to facilitate clearing or shared use of the spectrum would not be undertaken if overlay licenses are issued. T-Mobile also notes that an overlay auction would create uncertainty about exactly what rights a licensee would be granted, which would potentially reduce auction participation and revenues. No commenter proposed any alternative licensing constructs or other approaches. Accordingly, based on the record before us, we do not adopt licensing alternatives for 1.7 GHz.

192. *Non-Federal Relocation and Cost Sharing (2155–2180 MHz).* There are two non-Federal incumbent services still authorized in portions of the 2155–2180 MHz band: There are approximately 250 Fixed Microwave Service (FS) licenses in the 2160–2180 MHz band and approximately five BRS licensees in the 2150–2160/62 MHz band. The FS operations in the 2160–2180 MHz band are typically configured to provide two-way microwave communications using paired links in the 2110–2130 MHz band. While few BRS systems remain, in the past BRS systems were deployed via three types of system configurations: High-power video stations, high-power fixed two-way systems, and low-power, cellularized two-way systems. Under the Commission's rules, AWS licensees in these bands must protect incumbent operations or relocate the incumbent licensees to comparable facilities, until the applicable ''sunset date,'' after which the incumbents must cease operating if the AWS licensee intends to operate a station in the relevant area. The Commission's rules also address cost-sharing reimbursement to cover the scenario where relocation of an incumbent system benefits more than one AWS licensee.

193. In the *AWS–3 NPRM,* we proposed to extend to the AWS–3 band the current relocation and cost sharing rules for both the FS in the 2160–2180 MHz band and the BRS in the 2150–2160/62 MHz band and sought comment on our proposal. Comsearch agrees with the Commission's proposal to extend the current relocation and cost sharing rules for both FS in the 2160–2180 MHz band and BRS in the 2150–2160/62 MHz. Because the 2160–2180 MHz band is paired with the 2110–2130 MHz band, which is subject to relocation and cost sharing under the AWS–1 rules, Comsearch believes that new AWS–3 licensees will face practically the same relocation issues faced by current AWS–1 licensees given that there are still over 120 FS microwave links and 4 BRS systems remaining in the bands, so it seems reasonable that the incumbent protection and relocation rules set forth in §§ 27.1111–1132 of the rules should be applicable to AWS–3.

194. We conclude that extending the current relocation and cost sharing rules for both FS in the 2160–2180 MHz band and BRS in the 2150–2160/62 MHz serves the public interest because it will continue to accelerate the relocation process and will distribute relocation costs more equitably among the beneficiaries of the relocation.

D. Allocation Matters

195. For the frequency bands considered for AWS–3 service, the *AWS–3 NPRM* identified several amendments to § 2.106 of our rules (Allocation Table) that would be necessary to accommodate the proposed changes to the use of the bands. Although these proposed amendments drew little specific comment, parties generally supported policies that would necessitate allocation changes to provide for efficient use of the AWS–3 spectrum for mobile broadband services. Accordingly, we modify the Allocation Table for the bands we are designating for AWS–3 use, as discussed below.

196. *1695–1710 MHz.* The 1695–1710 MHz band is allocated for primary Federal and non-Federal meteorological satellite (MetSat) (space-to-Earth) use. In addition, the 1695–1700 MHz portion of the band is allocated for primary Federal and non-Federal meteorological aids (radiosonde) use, and the 1700–1710 MHz portion of the band is allocated for primary Federal fixed use and secondary non-Federal fixed use. We are adopting the amendments proposed in the *AWS–3 NPRM* relating to the 1695–1710 MHz band, which were unopposed by commenters and supported by a recent NTIA Report. To facilitate the Spectrum Act's requirement that the Commission allocate this segment of the 1675–1710 MHz band to support wireless broadband use, we are amending the Allocation Table by allocating the 1695–1710 MHz band to fixed and mobile except aeronautical mobile services on a primary basis for non-Federal use. The service rules that we are adopting today do not authorize fixed use in this band. Nonetheless, a fixed service allocation will harmonize the non-Federal allocations with the adjacent 1710–1755 MHz AWS–1 band and allow for future consideration of low-power fixed use of the band, such as by customer premises equipment, thereby providing maximum flexibility for service providers to better respond to market demand, consistent with past Commission actions. In the 1700–1710 MHz band, the primary non-Federal fixed service allocation replaces an existing unused secondary allocation. We decline to allocate the 1695–1710 MHz band to the aeronautical mobile services in order to better protect Federal MetSat earth stations in this band from harmful interference.

197. We are maintaining the primary Federal MetSat (space-to-Earth) allocation in the 1695–1710 MHz band, but are limiting this allocation to 27 Protection Zones within which one or more Federal earth stations will continue to operate. Specifically, we are adopting footnote US88 to provide for the protection of certain Federal earth stations that receive in the 1695–1710 MHz band as well as a few sites below 1695 MHz to ensure there is no impact due to adjacent band emissions. NTIA has endorsed the recommendations contained in a July 2013 Final Report authored by Working Group 1 of the Commerce Spectrum Management Advisory Committee (CSMAC WG–1). CSMAC WG–1 made recommendations regarding Federal/non-Federal sharing of the 1695–1710 MHz band, including protection zones (*i.e.,* coordination areas) for Federal earth stations in this band. In addition, we are deleting the primary non-Federal MetSat (space-to-Earth) allocation from the 1695–1710 MHz band, and are permitting non-Federal earth stations to continue to receive MetSat data from primary Federal MetSat space stations on an unprotected basis. It appears that more than 160 registered U.S. users of non-Federal direct readout earth stations receive in the 1695–1710 MHz band.

See NOAA's 2011 presentation titled ''The President's Broadband Initiative: Impacts Upon NOAA Satellite and User'' at 4, 9, (available at *http://directreadout.noaa.gov/Miami11/2011_presentations.html. See also Fast Track Report,* note 11 (stating that ''Given that the satellite will continue to transmit their signals, receive-only station operators would need to convert to another access mechanism only if and when wireless broadband systems built-out in their area. Since high density metropolitan areas will be the first priority for wireless services, the operators of meteorological-satellite earth stations may find that they can continue to directly access the satellite date unimpeded for some time.''). *See* the final rules section for the text of footnote US88. The protection zones listed in footnote US88 were extracted from Table 2 of the CSMAC WG–1 Final Report. The complete list of earth station locations, protected center frequencies, and maximum protection radii for channel bandwidths of 5, 10, and 15 megahertz are specified in Table 1 of the CSMAC WG–1 Final Report.

198. We also remove from the Allocation Table three unused allocations that apply to the 1695–1710 MHz band. First, we delete the primary Federal fixed service allocation from the 1700–1710 MHz band and associated footnote G118 from the Allocation Table. Second, we delete the primary meteorological aids (radiosonde) allocation from the 1695–1700 MHz band. Third, we delete the footnote allocation that allows all other applications in the Earth exploration-satellite service (EESS) (space-to-Earth) besides MetSat applications to operate in the 1695–1710 MHz band. Previously, the Commission added a reference to international footnote 5.289 (''Earth exploration-satellite service applications, other than the meteorological-satellite service, may also be used in the bands 460–470 MHz and 1690–1710 MHz for space-to-Earth transmissions subject to not causing harmful interference to stations operating in accordance with the Table.'') to the United States Table of Frequency Allocations in § 2.106. In this action, we move this text to new footnote US289, except that the ''band 1690–1695 MHz'' is specified. We note that footnotes 5.289 and US201 both provide for the same applications using different wording. Therefore, we simplify the U.S. Table by adding the text of footnote US201 to new footnote US289.

199. *2155–2180 MHz.* The 2155–2180 MHz band is presently allocated on a primary basis to fixed and mobile services in the non-Federal Table as part of the larger 2120–2180 MHz band. The *AWS–3 NPRM* noted the benefits of allowing Federal users to access the AWS–3 bands, including spectrum not presently allocated for Federal use (*e.g.,* 2155–2180 MHz) on Federal lands or properties that are generally unserved by commercial wireless networks. It sought comment on specific locations where such shared use might be appropriate, a suitable regulatory framework for that use, and amendments to the Commission's rules required to facilitate that use.

200. Oceus Networks strongly supports sharing both the 1755–1780 MHz and 2155–2180 MHz bands ''on U.S. military bases and ranges for mission-oriented tactical LTE . . . [and for] capabilities [that] would be able to evolve alongside a commercial technology roadmap.'' NTIA generally states that it agrees that expanding opportunities for preserving Federal users' access to the AWS–3 bands on Federal lands and military training ranges in areas generally served by commercial networks may allow Federal agencies greater flexibility to meet tactical, training, and other requirements. T-Mobile states that it does not object to Federal use of non-Federal spectrum in areas where commercial providers are not generally providing service, because shared use of AWS–3 spectrum could produce economies of scale and scope in for equipment for both Federal and non-Federal users, thereby lowering costs and speeding implementation. However, T-Mobile cautions that it is premature to adopt Federal sharing rules in commercial bands at present because of the urgency in bringing additional spectrum to market for mobile broadband services. T-Mobile therefore recommends that the Commission re-evaluate Federal sharing of commercial spectrum at a later date, when Federal requirements for additional spectrum versus more efficient use of existing spectrum are better understood.

201. AT&T states that Oceus has not shown a specific need to provide sharing in the 2155–2180 MHz band, and that allowing Oceus to construct and manage a secondary wireless network in a licensed market would effectively foreclose the ability of the licensee to expand its coverage into that area at a later time. Verizon states that the Commission should promote sharing in bands explicitly identified for shared use, such as the BAS band, 1780–1850 MHz, and the 3.5 GHz band, and not require sharing in bands licensed for exclusive, flexible use. Responding to Oceus's statement that that military bases are underserved by CMRS operators because carriers do not deploy in those areas, Verizon asserts that access to military bases and processes to gain approval to construct and operate wireless facilities on bases make siting there more difficult. Similarly, noting that it has cell sites on more than 130 bases nationwide (and that the number grows as siting negotiations conclude), AT&T also disagrees that there are barriers to DoD using commercial wireless technology, and notes that network buildout on military facilities can be achieved through existing procurement arrangements. Oceus responds that it has sought a geographically limited approach for specific military operations but that even broader sharing opportunities will have to be addressed in the future in non-Federal bands, that existing contract vehicles such as AT&T describes are inadequate, and that secondary user would be required to cease interfering by rule if an AWS licensee were to expand coverage into the area of the secondary license.

202. On March 21, 2014, NTIA, on behalf of DoD, requested that the Commission defer action on the specific text of a new US footnote in the Table of Allocations until requirements for a more flexible approach, beyond tactical or training applications in remote areas, can be developed in consultation with military and industry stakeholders. In accordance with NTIA's request, on behalf of DoD, we are deferring action on this matter. *See* Letter from Karl B. Nebbia, Associate Administrator, Office of Spectrum Management, NTIA, to Julius P. Knapp, Chief, Office of Engineering and Technology, FCC (March 21, 2014) at 2.

203. We are adopting the other amendments proposed in the *AWS–3 NPRM* relating to the 2155–2180 MHz band, which were unopposed by commenters, by updating and combining footnotes NG153 and NG178, and numbering the resultant footnote as NG41. Specifically, we: (1) Remove the first two sentences from footnote NG153; (2) revise the last sentence in footnote NG153; (3) add language highlighting that all initial non-AWS authorizations in the 2160–2180 MHz band applied for after January 16, 1992 were issued on a secondary basis; and (4) add language highlighting the sunset provisions that apply to part 101 fixed stations that were authorized on a primary basis. Part 101 use of the 2160–2180 MHz band is restricted to Common Carrier Fixed Point-to-Point Microwave Service; see 47 CFR 101.101. Applications for new facilities submitted after the adoption date of the

Notice of Proposed Rulemaking in ET Docket No. 92–9 (Jan. 16, 1992) ''will be granted on a secondary basis only.'' 47 CFR 101.79(a)(1), 101.101. We therefore remove footnotes NG153 and NG178, and add footnote NG41 to read as shown in the final rules section.

204. *1755–1780 MHz.* The 1755–1780 MHz band is presently allocated on a primary basis for Federal fixed, mobile, and space operations (Earth-to-space), but contains no non-Federal allocations. However, the *AWS–3 NPRM* observed that this band is allocated internationally on a primary basis to the fixed and mobile services in all three International Telecommunication Union (ITU) Regions. The *AWS–3 NPRM* also observed that the 1755–1780 MHz band has several characteristics that make it especially appealing for commercial wireless use, and proposed that it be used for mobile uplinks, with fixed stations not authorized in the band. The *AWS–3 NPRM* also inquired as to the changes necessary to the Allocation Table to permit commercial wireless use of the 1755–1780 MHz band. Commenters strongly supported using the 1755–1780 MHz band for commercial wireless services. As noted above, Verizon Wireless supported the proposal to prohibit fixed station use of the band, stating that the authorization of fixed high-gain antennas could cause interference to government operations in that band.

205. We concur with commenting parties that a commercial wireless service in the 1755–1780 MHz band is desirable, and establishment of that service requires that we add primary fixed and mobile service allocations to the non-Federal Table in that band. That addition will facilitate both Federal/non-Federal sharing, and a near-term spectrum auction, of that band. While that addition was not the focus of commenting parties, it finds implicit support in the record, including support from Federal users of the 1755–1780 MHz band. A fixed service allocation will permit future consideration of low power fixed use of the 1755–1780 MHz band, such as by customer premises equipment, thereby providing maximum flexibility for service providers to better respond to market demand. Additionally, we are deleting the existing fixed and mobile allocations from the Federal Table in that band, but are adding new footnote US91 to govern shared Federal/non-Federal use of the 1755–1780 MHz band, as shown in the final rules section. *See NTIA November 2013 Letter,* at the enclosures titled ''Commerce Spectrum Management Advisory Committee (CSMA) Working Group 3 (WG 3) Report on 1755–1850 MHz Satellite Control and Electronic Warfare;'' ''Commerce Spectrum Management Advisory Committee (CSMA) Working Group 4: 1755–1850 MHz Point-to-Point Microwave[,] Tactical Radio Relay (TRR)[, and] Joint Tactical Radio System/Software Defined Radio (JTRS/SDR),'' Final Report, dated July 24, 2013; and Commerce Spectrum Management Advisory Committee (CSMAC) Working Group 5 (WG–5)[:] 1755–1850 MHz Airborne Operations (Air Combat Training System, Small Unmanned Aircraft Systems, Precision-Guided Munitions, Aeronautical Mobile Telemetry), Final Report (Sept. 16, 2013).''

206. In addition, we are adopting a non-substantive update to the non-Federal Table by expanding the cross reference to part 27 of the Commission's rules, which is shown as ''Wireless Communications (27)'' in the 1710–1755 MHz band, by displaying this cross reference in the 1695–1780 MHz band. We are also adding missing cross references to part 27 of our rules in the 1850–2000 MHz band (for 1915–1920 and 1995–2000 MHz bands) and the 2000–2020 MHz band. 47 CFR 2.105(e), 27.5(j)–(k).

207. *2020–2025 MHz.* As proposed in the *AWS–3 NPRM,* we are removing footnote NG177 from the Allocation Table. Footnote NG177 related to the Broadcast Auxiliary Service in the 1990–2110 MHz band transitioning to the 2025–2110 MHz band, and that transition has now been completed. Because we are deferring consideration of rules that would apply to the 2020–2025 MHz band, we make no other allocation changes that relate to that band at this time.

208. *2025–2110 MHz.* The 2025–2110 MHz band is allocated on a primary basis to fixed and mobile services in the non-Federal Table; and on a primary basis to the space operation, Earth exploration-satellite, and space research services in the Federal Table. In the *AWS–3 NPRM,* the Commission noted and sought comment on the DoD Proposal, under which DoD proposes to relocate key operations from the 1755–1780 MHz band and to obtain increased Federal access to the shared 2025–2110 MHz band. Comments were initially mixed on this proposal, but most wireless industry commenters subsequently supported the DoD Proposal. Others also support it or believe it to be preferable to commercial use of the 2025–2110 MHz band, maintaining that 2025–2110 MHz—and especially the 2095–2110 MHz portion—is not a viable candidate band for commercial use, as it would impinge on existing uses. Recently, NTIA endorsed the DoD Proposal and recommended amendments to the Allocation Table for the 2025–2110 MHz band to implement military use of that band under specific conditions that protect non-Federal operations.

209. We find the DoD Proposal to be constructive, and consistent with efficient use of both the 1755–1780 MHz and 2025–2110 MHz bands. Commercial use of the former band can occur in a timely manner under the DoD Proposal. Accordingly, we adopt NTIA's recommended amendments in our final rules section. Specifically, we are adding primary Federal fixed and mobile service allocations to the 2025–2110 MHz band, limiting Federal use of these allocations to military use, specifying coordination requirements for such operations in accordance with a Memorandum of Understanding between Federal and non-Federal fixed and mobile operations, and providing interference protection and priority to the specified non-Federal fixed and mobile operations in this band; delete footnote US393 and add footnote US92. These amendments will take effect only after the auction of the1755–1780MHz band concludes. *See* 47 U.S.C. 309(j)(16)(B) (''The Commission shall not conclude any auction of eligible frequencies described in section 923(g)(2) of this title if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation or sharing costs provided to the Commission pursuant to section 923(g)(4) of this title.'').

210. *Statutory Requirements.* In discussing any changes to the Allocation Table, the Commission sought specific comment on any special statutory conditions that may apply, noting two particular statutory provisions of special relevance here.

211. First, Congress recognized the potential benefits of flexible spectrum allocations and in 1997 amended the Communications Act to add section 303(y), which grants the Commission the authority to adopt flexible allocations if certain factors are met. Section 303(y) provides the Commission with authority to allocate spectrum for flexible use if ''such use is consistent with international agreements to which the United States is a party; and the Commission finds, after notice and an opportunity for public comment, that such an allocation would be in the public interest; such use would not deter investment in communications services and systems, or technology development; and such use would not result in harmful interference among users.'' The Commission sought comment on how best to read section

303(y) in light of the subsequent mandate of section 6401 to ''allocate the spectrum described [therein] for commercial use.'' The Commission also sought comment on whether any allocation changes, together with the proposed service rules, proposed or identified in the *AWS–3 NPRM* or by commenters would satisfy the four elements of section 303(y) of the Act. Commenters did not address these issues. For the reasons and in light of the specific rules set forth in this order, we conclude that the allocations and service rules adopted herein satisfy these section 303(y) statutory requirements, to the extent they are not superseded by section 6401.

212. Section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 requires that, if ''in order to make available for other use a band of frequencies of which it is a primary user, the Department of Defense is required to surrender use of such band of frequencies, the Department shall not surrender use of such band of frequencies until. . .the [NTIA], in consultation with the [FCC], identifies and makes available to the Department for its primary use, if necessary, an alternative band or bands of frequencies as a replacement for the band to be so surrendered.'' Furthermore, current law requires that ''the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff jointly certify. . .that such alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered.''

213. NTIA states that the amendments to the Allocation Table for the 2025–2110 MHz band that it recommends—and that we are adopting herein—''would provide DoD additional spectrum access to a band with comparable technical characteristics to restore essential military capabilities that will be lost as a result of relocating systems out of 1755–1780 MHz, a statutory requirement under the Secretary of Commerce's, DoD's, and the Chairman of the Joint Chiefs of Staff's joint certification to Congress under the National Defense Authorization Act for Fiscal Year 2000.'' Section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 768); *see also* provisions (Surrender of Department of Defense Spectrum) set out as a note under 47 U.S.C. 921. Based on NTIA's representation, we view this statutory provision as satisfied. This rule change will take effect only after the auction for 1755–1780 MHz concludes, *see* 47 U.S.C. 309(j)(16)(B), and the joint certification is submitted to Congress.

E. Federal/Non-Federal Coordination

214. In the *AWS–3 NPRM,* the Commission sought comment on coordination procedures including whether coordination models or elements thereof used in different wireless and satellite services would be applicable. In particular, the Commission sought comment on whether the coordination procedures established for non-Federal licensees to gain early access to adjacent AWS–1 uplink band (1710–1755 MHz) could serve as a model for coordination. The Commission explained that, in AWS–1, the Commission worked closely with NTIA to craft a coordination procedure before the full band transition was completed. ''Prior to operating, the AWS–1 licensee was required to contact the appropriate Federal agency to get information necessary to perform an interference analysis. The AWS–1 licensee would first perform the interference analysis and then send it to the appropriate designated agency contact for review. At the end of 60 days, if the Federal agency raised no objection, the AWS–1 licensee was permitted to commence operations. NTIA required Federal agencies to cooperate with AWS–1 licensees and provide, within 30 days of a request from an AWS–1 licensee wishing to operate within a coordination zone, site-specific technical information that would allow the licensee to complete the interference analysis. NTIA also required agencies that disapprove of an interference analysis submitted by an AWS–1 licensee to provide the licensee with a detailed rationale for its disapproval. Finally, Federal agencies were required to work in good faith to identify the source of the harmful interference and work with AWS–1 licensees to eliminate or mitigate the interference.'' *AWS–3 NPRM,* 28 FCC Rcd at 11510 para. 67 citing The Federal Communications Commission and the National Telecommunications and Information Administration—Coordination Procedures in the 1710–1755 MHz Band, *Public Notice,* 21 FCC Rcd 4730 (2006) (*AWS–1 Coordination Procedures PN*).

215. T-Mobile recommends that the Commission pattern the AWS–3 coordination process after the process used by non-Federal licensees to gain early access to AWS–1 spectrum. Raytheon disagrees and argues that AWS–1 coordination procedures would not offer sufficient protection to the 1695–1710 MHz band. Motorola recommends that if the Commission does not apply AWS–1 coordination procedures to the AWS–3 spectrum, then it should apply part 27 coordination procedures. Mobile Future argues that the Commission should work with NTIA to develop an interference protection model, inputs to the model, and the coordination procedure. Such efforts, Mobile Future continues, should address issues that should be resolved before an auction commences.

216. The Commission recognizes that bidders need as much certainty as possible regarding the scope of Federal incumbency, relocation timelines, and the potential for temporary or indefinite sharing through geographic or temporal access to spectrum. *Accord,* Annex O section O.4.2 (''NTIA expects that the transition plans' content will provide valuable information to prospective bidders preparing for an auction and to winning bidders planning for their system deployments or leasing strategies.'') and section O.5.1 (''With regard to spectrum sharing in eligible frequencies, the statute contemplates a range of potential arrangements including: (1) Short-term or temporary sharing in anticipation of the ultimate relocation of federal entities' spectrum-related operations; (2) long-term or indefinite sharing between federal entities and non-federal users; and (3) sharing among relocated federal entities and incumbents to make spectrum available for non-federal use.''). Indeed, such certainty is central to meeting the goals of the Spectrum Act to fund the Public Safety Broadband Network and to improve the CSEA to facilitate better transparency, coordination, and predictability for bidders and licensees. *See* Relocation of and Spectrum Sharing by Federal Government Stations—Technical Panels and Dispute Resolution Boards, 78 FR 5310, 5311 (NTIA, Jan. 25, 2013) (the Spectrum Act improved the CSEA provisions to ''facilitate better transparency, coordination, and predictability for bidders in FCC spectrum auctions and the ultimate winners of those auctions through, for example, a new requirement that NTIA publish the agencies transition plans on NTIA's Web site at least 120 days before commencement of the corresponding FCC auction, with the exception of classified and other sensitive information.'').

217. *Post-auction: Federal/Non-Federal Coordination Requirement. Section 309(j)(16)(C) Condition:* There are two Federal/non-Federal coordination scenarios: (1) ''early access'' prior to Federal relocation and (2) permanent sharing. Under the first

scenario, the Commission is required to condition non-Federal licenses on not causing harmful interference to relocating Federal operations. The Spectrum Act did not amend this provision of the original CSEA (2004), which contemplated Federal relocations but not the Federal non-Federal sharing scenario added by the Spectrum Act. Accordingly, we conclude that this statutory provision governs the scenario for which it was adopted—Federal relocations—and that it is inapplicable to the sharing scenario under which termination of the eligible Federal entity's authorization is unrestricted. We will apply the condition to each AWS–3 license by rule. Thus, licenses to operate in the 1695–1710 MHz or 1755–1780 MHz bands are subject to the condition that the licensee must not cause harmful interference to an incumbent Federal entity relocating from these bands under an approved Transition Plan. This condition remains in effect until NTIA terminates the applicable authorization of the incumbent Federal entity. Although this statutory license condition does not apply to the permanent sharing scenario added by the Spectrum Act, the rules we adopt today require successful coordination to avoid causing harmful interference to these Federal incumbents.

218. *General Coordination Requirement.* For both coordination scenarios (early access prior to Federal relocation and permanent sharing) successful coordination with Federal incumbents is required prior to operation as follows:

- 1695–1710 MHz: 27 Protection Zones with distances depending on uplink EIRP
- 1755–1780 MHz: unless stated otherwise in a Joint FCC/NTIA public notice (or in a written agreement among all relevant parties) the coordination requirement is as follows depending on the type of Federal authorization(s) involved:
  - *US&P Federal assignments:* Each AWS licensee must contact each Federal agency that has U.S. and Possessions (US&P) authority prior to its first operations in its licensed area to reach a coordination arrangement on an operator-to-operator basis.
  - *Other Federal assignments:* Each AWS licensee must successfully coordinate a proposed operation with each non-US&P Federal incumbent. The default requirement is a nationwide coordination zone with possible revisions and details to be announced in a Joint FCC/NTIA public notice.

219. *Joint FCC/NTIA Public Notice on Coordination Details.* Federal use of the radio spectrum is generally governed by the NTIA while non-Federal use is governed by the Commission. As such, consistent with the approach used for AWS–1, we believe that any guidance or details concerning Federal/non-Federal coordination should be issued jointly by NTIA and the Commission. In this regard, we authorize and direct the Wireless Telecommunications Bureau to work with NTIA staff, in collaboration with affected Federal agencies or CSMAC members, to develop a joint FCC and NTIA public notice with information on coordination procedures in the 1695–1710 MHz and 1755–1780 MHz bands. We understand that one or more Federal incumbents are proposing to develop one or more online portals, similar to the portal that DoD developed for AWS–1, that would permit AWS licensees to submit coordination data online in a standard format for distribution to the relevant Federal incumbents. Until such online capability exists, the Spectrum Act requires each incumbent agency to include contact information in its Transition Plan. Until a coordination portal is operational, licensees will have to rely on the point of contact provided in each agency's transition plan.

220. The successful implementation of commercial services in the AWS–3 bands depends upon successful coordination and sharing with Federal users, whether on a temporary basis as Federal systems relocate their operations or on an ongoing, permanent shared basis for those systems that remain in the band. The Federal incumbents in the 1695–1710 MHz and 1755–1780 MHz bands must be able to continue operations free from harmful interference and without being held accountable for interference into new commercial operations while the agencies are operating within their authorized operational parameters. Similarly, federal incumbents remaining in the band must be able to have the flexibility to coordinate with commercial licensees if reasonable modification of existing, grandfathered operations are required in the future. We expect a good faith effort from both the AWS–3 licensees and the Federal incumbents to share information about their systems, agree to appropriate interference methodologies, and communicate results so as to facilitate commercial use of the band. This extends to AWS licensees sharing information with Federal incumbents and cooperating in testing once Federal incumbents develop and implement real-time spectrum monitoring systems around existing Federal operations protected in the 1695–1710 MHz and adjacent bands.

221. *Pre-auction Information on Federal Incumbents for Bidders.* NTIA must post the public version of each approved transition plan on its Web site no later than 120 days before the start date of the auction. The transition plans must generally describe an agency's plan for ''the implementation by such entity of the relocation or sharing arrangement.'' The plans the agencies submitted to NTIA and the Technical Panel contain information about the frequencies used, emission bandwidth, system use, geographic service area, timeline for sharing, timeline for transition, and estimated cost of relocation or sharing. Agencies that will not be able to release the entire plan will need to make a determination regarding what information can be released to reasonably help inform potential bidders about the incumbent Federal uses and the timelines for sharing and relocation.

222. *Supplemental Information Access:* Affected agencies are permitted to redact from the publicly-released transition plans classified national security information and ''other information for which there is a legal basis for nondisclosure and the public disclosure of which would be detrimental to national security, homeland security, or public safety or would jeopardize a law enforcement investigation'' from the publicly-released transition plans. In the event that publicly-released transition plans contain incomplete information or lack key information necessary for potential bidders to accurately value the spectrum, the FCC, NTIA, and the affected Federal agencies will collaborate with industry stakeholders on possible supplemental information disclosure processes. *See, e.g.,* Letter from Scott K. Bergman, Vice President, Regulatory Affairs, CTIA, to FCC Chairman Wheeler and Commissioners Clyburn, Rosenworcel, Pai, and O'Reilly, and Assistant Secretary Strickling, NTIA, dated Feb. 25, 2014 (proposing a three-stage timeline for release of Federal agencies' transition plans and technical data under which Federal agencies would open a window for executing non-disclosure agreements to receive information under the second and third stages). We recognize that any supplemental information disclosure must appropriately protect national security considerations and law enforcement equities in accordance with

the statutory requirement. If it is determined that a supplemental information release process will be necessary and can be finalized, a Public Notice will announce the process.

F. Interoperability Requirement

223. In the *AWS–3 NPRM,* the Commission asked commenters to address any specific technical rules for the AWS–3 bands. USCC, T-Mobile, and several other commenters seek an interoperability requirement among AWS–1 and AWS–3 devices, or at least among AWS–3 devices in the 1755–1780 MHz band (paired with 2155–2180 MHz band), asserting that interoperability creates significant benefits. USCC urges the Commission to adopt a clear, *ex ante* interoperability requirement, stating that access to interoperable devices by all AWS–3 licensees also would enhance economies of scale, expand roaming opportunities, and promote competition, which would lead to greater investment and innovation and lower costs for consumers. Specifically, USCC would require that: (1) All AWS–3 mobile devices be capable of transmitting across the entire 1710–1780 MHz uplink band and receiving across the entire 2110–2180 MHz downlink band; and (2) all AWS–3 networks support and permit the use of such mobile devices. USCC stresses that it is particularly important for the AWS–3 interoperability requirement to obligate licensees to include all of the paired 1755–1780/2155–2180 MHz bands. USCC states that a failure to adopt this requirement would significantly reduce the value of the AWS–3 spectrum blocks located outside of the current 3GPP Band 10 frequency range (1710–1770 MHz/2110–2170 MHz band). USCC contends that this could encourage the large national carriers to focus on, and thus monopolize, the other AWS–3 blocks, leaving only the ''orphaned'' uppermost 10 megahertz of AWS–3 spectrum potentially available to small and regional carriers, who even collectively lack sufficient market power to drive device development. T-Mobile supports interoperability between AWS–3 and AWS–1 and states that the Commission should require interoperability for future AWS–3 devices. T-Mobile also asserts that interoperability will promote a global market, not hinder availability, affordability, and portability of user equipment as ''boutique'' band classes will; as well as delaying deployment of services.

224. DISH proposes an interoperability requirement similar to USCC's proposal, except DISH would include the AWS–4 downlink band at 2180–2200 MHz. Verizon opposes any equipment interoperability mandate and Verizon and AT&T state that the *AWS–3 NPRM* did not propose or seek comment on an interoperability requirement between AWS–3 and AWS–4. Verizon also notes that that DISH filed its AWS 1/3/4 interoperability proposal very recently and that there is inadequate time for parties to evaluate it in this proceeding from a technical or other perspective. DISH acknowledges the timing of its specific interoperability proposal but states that the Commission discussed in detail the efficiencies of combining adjacent AWS–1 spectrum with AWS–3 and that the general concept of interoperability has been discussed in the record at length as it relates to combining the AWS–1 and AWS–3 bands. Because the Commission tentatively found that having additional spectrum that is adjacent to that used for like services would promote efficiency in broadband deployment. DISH asserts that rules that promote efficiency based on the principle of spectrum adjacency would be a logical outgrowth of the *AWS–3 NPRM's* tentative finding, no matter which side of the AWS–3 downlinks the adjacent spectrum is on. DISH also dismisses as misguided Verizon's suggestion that there may be ''technical limitations'' that would prevent or delay the addition of 2180–2200 MHz to the AWS downlink ecosystem as follows: ''DISH's proposal for interoperability between the AWS–1, AWS–3, and AWS–4 downlink bands impacts only *devices,* which are operating in receive mode and are not subject to any transmit restrictions. Furthermore, nothing in DISH's proposal requires any changes to base stations operating in transmit mode in the downlink band for AWS operators. Therefore, Verizon's introduction of the possible impact of ''federal AMT operations at 2200–2290 MHz'' on ''AWS–3 equipment that also includes the AWS–4 downlink band'' is irrelevant. Such federal operations are only relevant to DISH's base stations in 2180–2200 MHz.'' DISH *Ex Parte* dated March 20, 2014.

225. The Commission historically has been interested in promoting interoperability. Beginning with the licensing of cellular spectrum, the Commission maintained that consumer equipment should be capable of operating over the entire range of cellular spectrum as a means to ''insure full coverage in all markets and compatibility on a nationwide basis.'' Although the Commission did not adopt a rule to require band-wide interoperability for PCS, it again stressed the importance of interoperability by acknowledging industry efforts to establish voluntary interoperability standards and asserted that ''[t]he availability of interoperability standards will deliver important benefits to consumers and help achieve our objectives of universality, competitive delivery of PCS, that includes the ability of consumers to switch between PCS systems at low cost, and competitive markets for PCS equipment.'' The Commission also stated that if PCS technology did not develop in a manner to accommodate roaming and interoperability, it might consider ''what actions the Commission may take to facilitate the more rapid development of appropriate standards.'' In 1997, we established a rule requiring receiver interoperability for satellite digital audio radio services, and in implementing authority over public safety broadband systems prior to the Spectrum Act, the Commission determined in 2007 that it was ''imperative'' to establish a nationwide broadband interoperability standard. More recently, in WT Docket No. 12–69, the Commission took certain steps to implement an industry solution to provide interoperable Long Term Evolution (LTE) service in the Lower 700 MHz band in an efficient and effective manner to improve choice and quality for consumers of mobile services. A number of the principal wireless providers licensed in the 700 MHz band, along with the Competitive Carriers Association, had developed a voluntary industry solution that would resolve the lack of interoperability in this band while allowing flexibility in responding to evolving consumer needs and dynamic and fast-paced technological developments. In reviewing the voluntary solution, the Commission determined that amendments to the rules and modifications to licenses serve the public interest by enabling consumers, especially in rural areas, to enjoy the benefits of greater competition and more choices, and by encouraging efficient use of spectrum, investment, job creation, and the development of innovative mobile broadband services and equipment. Although no party requested that we impose an interoperability requirement with respect to the 10 megahertz of H Block spectrum, as they have for the larger AWS–3 band in this proceeding, we stressed again in that context that ''interoperability is an important aspect

of future deployment of mobile broadband services and generally serves the public interest.''

226. In the *AWS–3 NPRM,* the Commission noted that, where possible, it was proposing to adopt for AWS–3 the same technical rules that apply to AWS–1 and wireless industry commenters overwhelmingly supported this approach—with strong objections to the Commission's proposal to depart from the AWS–1 power limit for mobiles and portables. The Commission also asked whether to pair any of the proposed AWS–3 band segments, and whether there are likely to be any competitive effects of the pairing choice that it should consider. Wireless industry commenters overwhelmingly urge us to designate 1755–1780 MHz for AWS paired with 2155–2180 MHz due to its adjacency to AWS–1. Indeed, for well over the past decade, the wireless industry has sought commercial use of the 1710–1780 MHz Federal band to pair with the 2110–2180 MHz non-Federal band. In 2006, the Commission issued licenses for AWS–1 at 1710–1755/2110–2155 MHz. In 2008, the Commission proposed AWS service rules for 2155–2180 MHz unpaired, and most wireless industry commenters in that proceeding urged the Commission to defer action until 2155–2180 MHz could be licensed paired with 1755–1780 MHz. As discussed above, the record now before us overwhelmingly indicates that licensing 1755–1780 MHz paired with 2155–2180 MHz is ideal precisely because it is contiguous to and can be used as an extension of the AWS–1 bands. AT&T, in supporting the pairing of 1755–1780 MHz and 2155–2180 MHz, states that ''[t]he ability to combine the AWS–3 and AWS–1 bands in a single band class would result in more efficient spectrum utilization and more efficient LTE networks.'' The existence of Band Class 10 supports this conclusion but, as USCC and other commenters have noted, it could also result in outcomes inimical to the public interest—operations in the United States limited to Band 10, *e.g.,* if large carriers focused on blocks within Band 10 leaving 1770–1780/2170–2180 MHz ''orphaned.''

227. To the extent that smaller operators favor smaller license sizes, we note that the AWS–3 paired block that we are designating for the smallest geographic licensing area (CMAs) and all of the smallest, 5 megahertz paired blocks, are within existing Band Class 10. Additionally, based on the record before us, we conclude that the public interest is best served by requiring AWS–3 mobile and portable stations that operate on any frequencies in the 1755–1780 MHz band (paired with the 2155–2180 MHz band) to be capable of operating on all frequencies in the 1710–1780 MHz band (paired with the 2110–2180 MHz band) using all air interfaces that the equipment utilizes on any frequencies in the 1710–1780 MHz band (paired with frequencies in the 2110–2180 MHz band). Although Section 6401 of the Spectrum Act would require us to auction and license these bands by February 2015 pursuant to flexible use service rules whether or not we adopt an additional interoperability requirement, we conclude that adopting such a requirement prior to licensing best serves the public interest by removing uncertainty, *e.g.,* for potential applicants that intend to follow 3GPP standards if licensed in the 1755–1780 MHz and 2155–2180 MHz bands. As several commenters note, voluntary industry band classes for commercial systems can significantly benefit or harm consumers. ''Adopting an interoperability requirement will help to 'promote timely access to a variety of mobile devices by all AWS–3 licensees, including small and regional carriers' while preventing a situation, like that in the 700 MHz band, where manufacturers focused on the needs of the larger carriers, which significantly delayed 'the deployment of advanced services to many rural and underserved areas.' '' Smith Bagley, MTPCS, and Cellular Network Partnership Joint Reply at 4 quoting USCC Comments at 18. With an assurance of basic interoperability across 1755–80 MHz (paired with 2155–2180 MHz) and AWS–1, potential licensees, particularly smaller ones, will face less uncertainty over the development of a healthy device ecosystem. ''Interoperability will also 'facilitate roaming arrangements and allow smaller regional carriers to compete with the larger carriers—a result that is in the public interest.' '' Smith Bagley, MTPCS, and Cellular Network Partnership Joint Reply at 4 quoting USCC Comments at 24. We note that at this time this rule applies to AWS–3 licensees and AWS–3 bands as described herein. We adopt this basic interoperability requirement pursuant to our separate authority under Title III of the Communications Act. *See* 47 U.S.C. 301, 303(b), 303(g), 303(r). *See also id.* sections 153(28) (defining ''mobile stations''), (42) (defining station license by reference to ''use or operation of apparatus''), 153(57) (defining transmission to include ''all instrumentalities, facilities, and services incidental'' thereto), 154(i). *See generally Lower 700 MHz Interoperability R&O,* 28 FCC Rcd at 15155–56 paras. 69–70 (2013).

228. Consistent with precedent, we stress the importance of promoting interoperability throughout the 1710–1780 MHz/2110–2180 MHz band—as reflected in the industry efforts to establish voluntary interoperability standards covering most of this spectrum and the overwhelming industry representations herein, and for well over the past decade before Congress, the Executive Branch, internationally, and the Commission, as to the suitability of the 1710–1780 MHz band (paired with 2110–2180 MHz) for AWS operations. Indeed, a failure to achieve basic interoperability of devices using the same air interface(s) in the 1710–1780 MHz band (paired with the 2110–2180 MHz band) would be completely at odds with longstanding commercial wireless industry-wide efforts for access to additional spectrum. With this in mind, we emphasize that the availability of voluntary interoperability standards will deliver important benefits to consumers and help achieve our objectives of universality, competitive delivery of devices that utilize the 1710–1780 MHz band (paired with the 2155–2180 MHz band) because devices that operate in the 1755–1780 MHz band (paired with 2155–2180 MHz) will include the AWS–1 bands, thereby promoting the ability of consumers to switch between AWS systems that use the same air interface(s) at low cost, and competitive markets for equipment.''

229. Finally, we recognize that USCC initially sought an interoperability requirement that extends to 1695–1710 MHz and that DISH recently proposed including the 2180–2200 MHz AWS–4 band. Given that 1695–1710 MHz will be auctioned and licensed unpaired, we conclude that extending an interoperability requirement to this band at this time would be inappropriate because the downlink band(s) is undetermined. At this time, we also decline DISH's suggestion to add the AWS–4 downlink band (2180–2200 MHz) into the basic interoperability rule for AWS–3 licensees. The record is not developed on this issue and relevant technical issues have not been fully explored by commenters. Apart from longstanding, wireless industry-wide advocacy for 1710–1780 MHz paired with 2110–2180 MHz, the record before us reflects among AWS–1/3 interoperability proponents a reciprocal understanding of sorts among potential, future AWS–3 licensees: If licensed in 1755–1780/2155–2180 MHz, each proponent is willing to accept any burden arising

from the interoperability requirement that it seeks. On the other hand, DISH's proposed AWS–1/3/4 interoperability requirement would not apply to any AWS–4 devices. While this lack of reciprocity does not disqualify the proposal, the distinction is a consideration that cannot be ignored. Nonetheless, we appreciate the potential public interest benefits of an expansive, interoperable, band extending across most, or possibly all, of the 1.7 GHz uplink band and the 2.1 GHz downlink band. Accordingly, at this juncture, we encourage interested parties to work towards voluntary, standards-based solutions to facilitate interoperability, to the extent technically practical, across all of these AWS–1/3/4 bands. Once AWS–3 is licensed, we expect AWS–3 licensees to participate in good faith in standard setting processes to extend interoperability across AWS–1/3/4 (1710–1780 MHz and 2110–2200 MHz), unless there are technical impediments to doing so. If technical concerns arise, we expect parties to work to find reasonable measures to remedy those concerns. In the absence of technical impediments to interoperability, if the Commission determines that progress on interoperability has stalled in the standards process, future AWS–3 licensees are hereby on notice that the Commission will consider initiating a rulemaking regarding the extension of an interoperability mandate that includes AWS–4 (2180–2200 MHz) at that time. Should we undertake such a rulemaking, relevant considerations may include considerations of harmful interference, technical cost and difficulty of implementation, and the extent to which licensees are common to both the AWS–3 and AWS–4 bands.

III. Procedural Matters

A. Ex Parte Presentations

230. We remind interested parties that this proceeding is ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte rules.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte rules.*

231. As discussed in section II.E (Federal/Non-Federal Coordination) above, in the process of developing one or more joint public notices regarding Federal/non-Federal coordination, NTIA may seek recommendations from the Commerce Spectrum Management Advisory Committee (CSMAC). CSMAC is an advisory committee created for the purpose of advising NTIA on spectrum policy issues. CSMAC consists of private-sector ''Special Government Employees'' appointed by NTIA to provide advice and recommendations on U.S. spectrum management policy. Commission staff has been present at meetings of the full CSMAC and has participated in CSMAC's working groups. *See, e.g.,* Wireless Telecommunications Bureau and Office of Engineering and Technology Exempt Certain *Ex Parte* Presentations in GN Docket No. 13–185, *Public Notice,* 28 FCC Rcd 12268 (WTB,OET 2013). Commission staff's participation in these meetings, and the free flow of information during the meetings, is essential to gaining an understanding of the issues implicated in making 1695–1710 MHz and 1755–1780 MHz available for commercial wireless use. While the CSMAC's meetings are open to the public, the FCC's *ex parte* requirements could, depending on the particular factual circumstances, be triggered if FCC decision makers are present, and oral or written presentations are made. Similarly, meetings of the CSMAC's working groups could, depending on the particular factual circumstances, be subject to the Commission's *ex parte* rules when FCC decision makers are present, if oral or written *ex parte* presentations are made.

232. Therefore, pursuant to our authority under § 1.1200 of the Commission's rules, we continue the limited exemption in the AWS–3 proceeding (GN Docket No. 13–185) from the *ex parte* disclosure requirements of § 1.1206 presentations made in formally organized meetings of the CSMAC at which FCC staff is present, and meetings held in connection with CSMAC, including working groups in which FCC staff is a participant. Such presentations will be exempt to the same extent as presentations are exempt under the shared jurisdiction exemption of § 1.1204(a)(5). Specifically, the *ex parte* requirements do not apply provided that ''any new factual information obtained through such a presentation that is relied on by the Commission in its decision-making process will, if not otherwise submitted for the record, be disclosed by the Commission no later than at the time of the release of the Commission's decision.'' We note that this exemption does not change the nature of public CSMAC proceedings; it simply allows FCC staff to participate without triggering disclosure requirements under the Commission's *ex parte* rules.

233. The *AWS–3 Report and Order* discusses matters concerning relocating federal users in 1695–1710 MHz and 1755–1780 MHz, spectrum sharing between commercial and federal users in 1695–1710 MHz and 1755–1780 MHz, and implementation matters related to the Spectrum Relocation Fund and the Public Safety Trust Fund. Discussions regarding these matters, may not be open to the public, and will occur between or among several agencies or branches of the Federal Government. Commission staff is regularly engaged with staff from NTIA, the Department of Defense (DoD), the Office of Management and Budget (OMB), the Office of Science and Technology Policy (OSTP), the Department of Justice (DoJ), the National Oceanic and Atmospheric Administration (NOAA), and other federal agencies and offices for the purpose of coordinating these matters, including but not limited to facilitating commercial use of the 1695–1710 MHz and 1755–1780 MHz bands. In addition, relevant Congressional committees have sought to further facilitate discussion

among Federal Government stakeholders. Some of these discussions may already be subject to the § 1.1204(a)(5) *ex parte* exemption in the Commission's rules, to the extent that they involve a matter over which that agency or branch and the Commission share jurisdiction, while others may not. We believe that these discussions among Federal Government personnel will benefit from an uninhibited flow of information between and among all participants, including potentially sensitive information regarding strategic federal use of these bands.

234. Therefore, pursuant to our authority under § 1.1200 of the Commission's rules, we exempt from the *ex parte* disclosure requirements of § 1.1206 presentations regarding the AWS–3 proceeding (GN Docket No. 13–185) made between representatives from the FCC and NTIA, OMB, OSTP, DoD, DoJ, NOAA, other federal offices and agencies, or Congressional committee members and committee staff, to the same extent as presentations are exempt under the shared jurisdiction exemption of § 1.1204(a)(5).

235. To the extent that any of the participants in the above-described meetings intends the Commission, with respect to any decision it makes in the AWS–3 proceeding, to rely on an *ex parte* presentation to which we have extended an exemption *herein,* we encourage that party to file the presentation (or, if oral, summary of it) in the record with ample time for other interested parties to the proceeding to review and respond, as appropriate, and for Commission staff to fully analyze and incorporate as necessary into any subsequent Commission decision. In this regard, we advise these participants that, consistent with the limitations of the exemption that we have established herein for the AWS–3 proceeding, in rendering a decision in this proceeding the Commission will not rely on an *ex parte* presentation covered by this exemption unless it is added to the record, at the latest, prior to the release of the decision.

B. Final Regulatory Flexibility Analysis

236. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Notice of Proposed Rulemaking (NPRM).* No comments were filed addressing the IRFA. Because we amend the rules in the *Report and Order,* we have included this Final Regulatory Flexibility Analysis (FRFA) which conforms to the RFA. *See* 5 U.S.C. 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

237. *Need for, and Objectives of, the Report and Order.* Wireless broadband is a critical component of economic growth, job creation, and global competitiveness and consumers are increasingly using wireless broadband services to assist them in their everyday lives. The rapid adoption of smartphones and tablet computers, combined with deployment of high-speed 3G and 4G technologies, is driving more intensive use of mobile networks, so much so that the total number of mobile wireless connections now exceeds the total U.S. population. As of the second quarter of 2013, 64 percent of U.S. mobile subscribers owned smartphones. It is predicted that by 2019, almost all handsets in North America will be smartphones and that total smartphone traffic over mobile networks will increase 10 times between 2013 and 2019. As of June 2013, 34 percent of American adults owned a tablet computer device, an increase from only 18 percent in September 2010. Tablets generated on average approximately 2.6 times the amount of mobile traffic as the average smartphone in 2013. All of these trends are resulting in more demand for network capacity and for capital to invest in the infrastructure, technology, and spectrum to support this capacity. The demand for spectrum, moreover, is expected to continue increasing. In response, both Congress and the President have issued directives to make available additional spectrum for flexible uses, including mobile broadband. The Commission continues to work to make available additional licensed and unlicensed spectrum to meet this growing demand.

238. In the *Report and Order,* we increase the Nation's supply of spectrum for mobile broadband by adopting rules for fixed and mobile services, including Advanced Wireless Services (''AWS'') in the 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, some of which were previously allocated exclusively for Federal government use. We refer to these bands collectively as ''AWS–3.'' These service rules will make available 65 megahertz of spectrum for flexible use in accordance with the Spectrum Act. Specifically, we adopt service, technical, and licensing rules that will encourage innovation and investment in mobile broadband and provide certainty and a stable regulatory regime in which broadband deployment can rapidly occur. For example, we find the spectrum is properly allocated for commercial use as the Spectrum Act requires, and authorize mobile operations in the 1695–1710 MHz and 1755–1780 MHz bands and base and fixed operations in the 2155–2180 MHz band. We also adopt service, technical, assignment, and licensing rules for this spectrum that generally follow the Commission's part 27 rules that govern flexible use terrestrial wireless service—except that in order to protect incumbents that remain in these bands, our rules are more stringent in certain respects. For example, to protect certain Federal operations in the 1695–1710 MHz and 1755–1780 MHz bands from harmful interference, we adopt technical rules that require AWS–3 licensees using these frequencies to coordinate their proposed operations with NTIA prior to commencing operations. The market-oriented licensing framework for these bands will ensure efficient spectrum utilization and will foster the development of new and innovative technologies and services, as well as encourage the growth and development of broadband services, ultimately leading to greater benefits to consumers.

239. A portion of the proceeds from the auction of Federal spectrum will be used to cover the relocation and sharing costs of Federal incumbents associated with relocating their spectrum-dependent systems from spectrum bands authorized to be auctioned under the Commission's competitive bidding authority. A portion will also be made available for use by the First Responder Network Authority (FirstNet) to carry out its duties and responsibilities, among other things, to deploy and operate a nationwide public safety broadband network.

240. *Legal Basis.* The actions taken are authorized pursuant to sections 1, 2, 4(i), 201, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, 332, and 333 of the Communications Act of 1934, as amended, and Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 151, 152, 154(i), 201, 301, 302a, 303, 307, 308, 309, 310, 316, 319, 324, 332, 333, 1403, 1404, and 1451.

241. *Description and Estimate of the Number of Small Entities to Which the Rules Will Apply.* 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 and policies, 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.

242. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive, statutory small entity size standards that encompass entities that could be directly affected by the proposals under consideration. As of 2010, there were 27.9 million small businesses in the United States, according to the SBA. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,315 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2007 indicate that there were 89,527 governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

243. *Wireless Telecommunications Carriers (except satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services. The appropriate size standard under SBA rules is for the category Wireless Telecommunications Carriers. The size standard for that category is that a business is small if it has 1,500 or fewer employees. For this category, census data for 2007 show that there were 11,163 establishments that operated for the entire year. Of this total, 10,791 establishments had employment of 999 or fewer employees and 372 had employment of 1000 employees or more. Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities that may be affected by our proposed action. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular 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.

244. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* The projected reporting, recordkeeping, and other compliance requirements resulting from the *Report and Order* will apply to all entities in the same manner. The Commission believes that applying the same rules equally to all entities in this context promotes fairness. The Commission does not believe that the costs and/or administrative burdens associated with the rules will unduly burden small entities, as discussed below. The revisions the Commission adopts should benefit small entities by giving them more information, more flexibility, and more options for gaining access to valuable wireless spectrum.

245. Any applicants for AWS–3 licenses will be required to file license applications using the Commission's automated Universal Licensing System (ULS). ULS is an online electronic filing system that also serves as a powerful information tool, one that enables potential licensees to research applications, licenses, and antenna structures. It also keeps the public informed with weekly public notices, FCC rulemakings, processing utilities, and a telecommunications glossary. AWS–3 licensees that must submit long-form license applications must do so through ULS using Form 601, FCC Ownership Disclosure Information for the Wireless Telecommunications Services using FCC Form 602, and other appropriate forms.

246. *Steps taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its 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.

247. As set forth in the *Report and Order,* we will license the AWS–3 bands under a hybrid of Economic Area (EA) and Cellular Market Area (CMA) geographic licenses. Licensing some spectrum blocks on an EA basis best balances the Commission's goals of encouraging the offering of broadband service both to broad geographic areas and to sizeable populations, while licensing one block by CMA will enable smaller carriers to serve smaller, less dense population areas that more closely fit their smaller footprints. Licensees may also adjust their geographic coverage through secondary markets. These rules should enable licensees of AWS–3 spectrum, or any entities providing service in other AWS bands, whether large or small, to more easily adjust their spectrum holdings to build their networks pursuant to individual business plans. As a result, we believe the ability of licensees to adjust spectrum holdings will provide an economic benefit by making it easier for small entities to acquire spectrum or access spectrum in these bands.

248. The *Report and Order* adopts rules to protect licensees operating in nearby spectrum bands from harmful interference, which may include small entities. The technical rules adopted in the *Report and Order* are based on the rules for AWS–1 spectrum, with specific additions or modifications designed, among other things, to protect Federal incumbents and Broadband Radio Service licensees that will share some of the AWS–3 spectrum. The technical rules in the *Report and Order* will therefore allow licensees of the AWS–3 spectrum to operate while also protecting licensees in nearby spectrum from harmful interference, some of whom may be small entities, and meet the statutory requirements of the Spectrum Act. In response to comments to the *AWS–3 NPRM* urging that an interoperability requirement is necessary to prevent the large national carriers from leaving certain AWS–3 spectrum blocks ''orphaned'' (not included in voluntary industry standards) for small and regional carriers that lack sufficient market power to drive device development, the

Report and Order also adopts a requirement that mobile and portable stations that operate on any portion of frequencies in the paired 1755–1780 MHz and 2155–2180 MHz band must be capable of operating on all frequencies in the paired 1710–1780 MHz and 2110–2180 MHz band, using the same air interfaces that the equipment utilizes on any frequencies in the paired 1710–1780 MHz and 2110–2180 MHz band. In response to comments seeking smaller spectrum block sizes and license areas (including from commenters that may be or may represent small entities), the Commission is licensing adopted several 5 megahertz spectrum blocks and one 5 megahertz paired block will be licensed by CMAs.

249. The *Report and Order* provides AWS–3 licensees with the flexibility to provide any fixed or mobile service that is consistent with the allocations for this spectrum, which is consistent with other spectrum allocated or designated for licensed fixed and mobile services, *e.g.,* AWS–1. The *Report and Order* further provides for licensing of this spectrum under the Commission's market-oriented part 27 rules. This includes applying the Commission's secondary market policies and rules to all transactions involving the use of AWS–3 bands, which will provide greater predictability and regulatory parity with bands licensed for mobile broadband service. These rules should make it easier for AWS–3 providers to enter secondary market arrangements involving use of their spectrum. The secondary market rules apply equally to all entities, whether small or large. As a result, we believe that this will provide an economic benefit to small entities by making it easier for entities, whether large or small, to enter into secondary market arrangements for AWS–3 spectrum.

250. The *Report and Order* adopts rules pertaining to how the AWS–3 licenses will be assigned, including rules to assist small entities in competitive bidding. Specifically, small businesses will have available a bidding credit of 15 percent and very small businesses a bidding credit of 25 percent. Providing small businesses and very small businesses with bidding credits will provide an economic benefit to small entities by making it easier for small entities to acquire spectrum or access to spectrum in these bands.

251. Federal Rules that May Duplicate, Overlap, or Conflict with the Rules None.

C. Paperwork Reduction Act Analysis

252. This document contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

253. In this present document, we have assessed the effects of the policies adopted in the Report and Order with regard to information collection burdens on small business concerns, and find that these policies will benefit many companies with fewer than 25 employees because the revisions we adopt should provide small entities with more information, more flexibility, and more options for gaining access to valuable spectrum. In addition, we have described impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the FRFA.

IV. Ordering Clauses

254. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 201, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, 332, and 333 of the Communications Act of 1934, as amended, and sections 6003, 6004, and 6401 of the Middle Class Tax Relief Act of 2012, Public Law 112–96, 126 Stat. 156, 47 U.S.C. 151, 152, 154(i), 201, 301, 302(a), 303, 307, 308, 309, 310, 316, 319, 324, 332, 333, 1403, 1404, and 1451, that the *Report and Order* is hereby adopted.

255. *It is further ordered* that parts 1, 2 and 27 of the Commission's rules, 47 CFR parts 1, 2 and 27, are amended, effective July 7, 2014 except as otherwise provided herein. It is our intention in adopting these rule changes that, if any provision of the rules, or the application thereof to any person or circumstance, are held to be unlawful, the remaining portions of the rules not deemed unlawful, and the application of such rules to other persons or circumstances, shall remain in effect to the fullest extent permitted by law. The Final Rules that we are adopting also include several non-substantive revisions to the rules as follows: We are moving from 47 CFR 1.949(c) to 47 CFR 27.14(q) the criteria for renewal for AWS–4 with one revision (changing ''*e.g.*'' to ''including'' to conform the language to the same rule that we are adopting today for AWS–3. We also make this same, one-word revision to § 27.14(r)(6)(i) for 1915–1920 MHz and 1995–2000 MHz. We delete ''total'' in § 27.14(r)(1) and correct ''areas'' to ''area'' in § 27.14(r)(4). Finally, in 47 CFR 27.53, we redesignate paragraphs (d) through (m) as paragraphs (e) through (n) and reserve paragraph (d). This revision restores certain technical provisions to longstanding letter assignments that are often cited in equipment certification exhibits. Because of the non-substantive nature of these revisions, notice and comment are unnecessary. 5 U.S.C. 553(b)(B).

256. *It is further ordered* that the amendments, adopted above and specified in the final rules section, to §§ 2.1033(c)(19)(i)–(ii); 27.14(k), (s); 27.17(c); 27.50(d)(3); 27.1131; 27.1132; 27.1134(c), (f) of the Commission's rules, 47 CFR 2.1033(c)(19)(i)–(ii); 27.14(k), (s); 27.17(c); 27.50(d)(3); 27.1131; 27.1132; 27.1134(c), (f), which contain new or modified information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those sections.

257. The effective date of the amendment to 47 CFR 2.106 adding Fixed and Mobile allocations for the 2025–2110 MHz band to the Federal Table of Frequency Allocations will become effective after the Commission publishes a document in the **Federal Register** announcing the relevant effective date.

258. *It is further ordered* that the Final Regulatory Flexibility Analysis hereto *is adopted.*

259. *It is further ordered* that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission shall send a copy of the *Report and Order* to Congress and to the Government Accountability Office.

260. *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.

List of Subjects

47 CFR Parts 1 and 2

Administrative practice and procedure, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 27

Communications common carriers, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 2, and 27 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 *et seq.;* 47 U.S.C. 151, 154(i), 154(j), 155, 157, 225, 227, 303(r), 309, 1403, 1404, and 1451.

§ 1.949 [Amended]

■ 2. Section 1.949 is amended by removing paragraph (c).

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 3. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 4. Section 2.106 is amended by revising the Table of Frequency Allocations as follows:

■ a. Revise pages 28, 35, and 36.

■ b. In the list of United States (US) Footnotes, add footnotes US88, US91, US92, and US289; and remove footnotes US201 and US393.

■ c. In the list of Non-Federal Government (NG) Footnotes, add footnote NG41 and remove footnotes NG153, NG177, and NG178.

■ d. In the list of Federal Government (G) Footnotes, remove footnote G118.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

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456-459 FIXED MOBILE 5.286AA 5.271 5.287 5.288			456-459 5.287 US64 US288	456-460 FIXED LAND MOBILE 5.287 US64 US288 NG32 NG112 NG124 NG148	Public Mobile (22) Maritime (80) Private Land Mobile (90) MedRadio (95I)
459-460 FIXED MOBILE 5.286AA 5.209 5.271 5.286A 5.286B 5.286C 5.286E	459-460 FIXED MOBILE 5.286AA MOBILE-SATELLITE (Earth-to-space) 5.286A 5.286B 5.286C 5.209	459-460 FIXED MOBILE 5.286AA 5.209 5.271 5.286A 5.286B 5.286C 5.286E	459-460		
460-470 FIXED MOBILE 5.286AA Meteorological-satellite (space-to-Earth) 5.287 5.288 5.289 5.290			460-470 Meteorological-satellite (space-to-Earth) 5.287 US73 US209 US288 US289	460-462.5375 FIXED LAND MOBILE US209 US289 NG124	Private Land Mobile (90)
				462.5375-462.7375 LAND MOBILE US289	Personal Radio (95)
				462.7375-467.5375 FIXED LAND MOBILE 5.287 US73 US209 US288 US289 NG124	Maritime (80) Private Land Mobile (90)
				467.5375-467.7375 LAND MOBILE 5.287 US288 US289	Maritime (80) Personal Radio (95)
				467.7375-470 FIXED LAND MOBILE US73 US288 US289 NG124	Maritime (80) Private Land Mobile (90)
470-790 BROADCASTING 5.149 5.291A 5.294 5.296 5.300 5.302 5.304 5.306 5.311A 5.312	470-512 BROADCASTING Fixed Mobile 5.292 5.293	470-585 FIXED MOBILE BROADCASTING 5.291 5.298	470-608	470-512 FIXED LAND MOBILE BROADCASTING NG5 NG14 NG66 NG115 NG149	Public Mobile (22) Broadcast Radio (TV)(73) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H) Private Land Mobile (90)
	512-608 BROADCASTING 5.297	585-610 FIXED MOBILE BROADCASTING RADIONAVIGATION 5.149 5.305 5.306 5.307		512-608 BROADCASTING NG5 NG14 NG115 NG149	Broadcast Radio (TV)(73) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H)
	608-614 RADIO ASTRONOMY Mobile-satellite except aeronautical mobile-satellite (Earth-to-space)		608-614 LAND MOBILE (medical telemetry and medical telecommand) RADIO ASTRONOMY US74 US246		Personal Radio (95)
	614-698 BROADCASTING Fixed Mobile 5.293 5.309 5.311A	610-890 FIXED MOBILE 5.313A 5.317A BROADCASTING 5.149 5.305 5.306 5.307 5.311A 5.320	614-698	614-698 BROADCASTING NG5 NG14 NG115 NG149	Broadcast Radio (TV)(73) LPTV, TV Translator/Booster (74G) Low Power Auxiliary (74H)

Table of Frequency Allocations			1670-2200 MHz (UHF)		Page 35
International Table			United States Table		FCC Rule Part(s)
Region 1 Table	Region 2 Table	Region 3 Table	Federal Table	Non-Federal Table	
1670-1675 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE MOBILE-SATELLITE (Earth-to-space) 5.351A 5.379B 5.341 5.379D 5.379E 5.380A			1670-1675 5.341 US211 US362	1670-1675 FIXED MOBILE except aeronautical mobile 5.341 US211 US362	Wireless Communications (27)
1675-1690 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.341			1675-1695 METEOROLOGICAL AIDS (radiosonde) METEOROLOGICAL-SATELLITE (space-to-Earth) US88 5.341 US211 US289		
1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth) Fixed Mobile except aeronautical mobile 5.289 5.341 5.382	1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SATELLITE (space-to-Earth) 5.289 5.341 5.381		1695-1710 METEOROLOGICAL-SATELLITE (space-to-Earth) US88 5.341	1695-1710 FIXED MOBILE except aeronautical mobile 5.341 US88	Wireless Communications (27)
1700-1710 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.289 5.341		1700-1710 FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE except aeronautical mobile 5.289 5.341 5.384			
1710-1930 FIXED MOBILE 5.384A 5.388A 5.388B 5.149 5.341 5.385 5.386 5.387 5.388			1710-1761 5.341 US91 US378 US385	1710-1780 FIXED MOBILE 5.341 US91 US378 US385	
			1761-1780 SPACE OPERATION (Earth-to-space) G42 US91		
			1780-1850 FIXED MOBILE SPACE OPERATION (Earth-to-space) G42	1780-1850	
1930-1970 FIXED MOBILE 5.388A 5.388B 5.388	1930-1970 FIXED MOBILE 5.388A 5.388B Mobile-satellite (Earth-to-space) 5.388	1930-1970 FIXED MOBILE 5.388A 5.388B 5.388	1850-2025	1850-2000 FIXED MOBILE	RF Devices (15) Personal Communications (24) Wireless Communications (27) Fixed Microwave (101)

1970-1980 FIXED MOBILE 5.388A 5.388B 5.388					
1980-2010 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 5.351A 5.388 5.389A 5.389B 5.389F				2000-2020 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space)	Satellite Communications (25) Wireless Communications (27)
2010-2025 FIXED MOBILE 5.388A 5.388B 5.388	2010-2025 FIXED MOBILE MOBILE-SATELLITE (Earth-to-space) 5.388 5.389C 5.389E	2010-2025 FIXED MOBILE 5.388A 5.388B 5.388		2020-2025 FIXED MOBILE	
2025-2110 SPACE OPERATION (Earth-to-space) (space-to-space) EARTH EXPLORATION-SATELLITE (Earth-to-space) (space-to-space) FIXED MOBILE 5.391 SPACE RESEARCH (Earth-to-space) (space-to-space) 5.392			2025-2110 SPACE OPERATION (Earth-to-space) (space-to-space) EARTH EXPLORATION-SATELLITE (Earth-to-space) (space-to-space) FIXED MOBILE 5.391 SPACE RESEARCH (Earth-to-space) (space-to-space) 5.392 US90 US92 US222 US346 US347	2025-2110 FIXED NG118 MOBILE 5.391 5.392 US90 US92 US222 US346 US347	TV Auxiliary Broadcasting (74F) Cable TV Relay (78) Local TV Transmission (101J)
2110-2120 FIXED MOBILE 5.388A 5.388B SPACE RESEARCH (deep space) (Earth-to-space) 5.388			2110-2120 US252	2110-2120 FIXED MOBILE US252	Public Mobile (22) Wireless Communications (27) Fixed Microwave (101)
2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2160 FIXED MOBILE 5.388A 5.388B Mobile-satellite (space-to-Earth) 5.388	2120-2170 FIXED MOBILE 5.388A 5.388B 5.388	2120-2200	2120-2180 FIXED MOBILE NG41	
	2160-2170 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) 5.388 5.389C 5.389E				
2170-2200 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) 5.351A 5.388 5.389A 5.389F				2180-2200 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth)	Satellite Communications (25) Wireless Communications (27)

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United States (US) Footnotes

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US88 In the bands 1675–1695 MHz and 1695–1710 MHz, the following provisions shall apply:

(a) Non-Federal use of the band 1695–1710 MHz by the fixed and mobile except aeronautical mobile services is restricted to stations in the Advanced Wireless Service (AWS). Base stations that enable AWS mobile and portable stations to operate in the band 1695–1710 MHz must be successfully coordinated prior to operation as follows: (i) All base stations within the 27 protection zones listed in paragraph (b) that enable mobiles to operate at a maximum e.i.r.p. of 20 dBm, and (ii) nationwide for base stations that enable mobiles to operate with a maximum e.i.r.p. greater than 20 dBm, up to a maximum e.i.r.p. of 30 dBm, unless otherwise specified by Commission rule, order, or notice.

(b) Forty-seven Federal earth stations located within the protection zones listed below operate on a co-equal, primary basis with AWS operations. All other Federal earth stations operate on a secondary basis.

(1) Protection zones for Federal earth stations receiving in the band 1695–1710 MHz:

State	Location	Latitude	Longitude	Radius (km)
AK	Barrow	71°19′22″	156°36′41″	35
AK	Elmendorf AFB	61°14′08″	149°55′31″	98
AK	Fairbanks	64°58′22″	147°30′02″	20
AZ	Yuma	32°39′24″	114°36′22″	95
CA	Monterey	36°35′34″	121°51′20″	76
CA	Twenty-Nine Palms	34°17′46″	116°09′44″	80
FL	Miami	25°44′05″	080°09′45″	51
HI	Hickam AFB	21°19′18″	157°57′30″	28
MD	Suitland	38°51′07″	076°56′12″	98
MS	Stennis Space Center	30°21′23″	089°36′41″	57
SD	Sioux Falls	43°44′09″	096°37′33″	42
VA	Wallops Island	37°56′45″	075°27′45″	30
GU	Andersen AFB	13°34′52″	144°55′28″	42

(2) Protection zones for Federal earth stations receiving in the band 1675–1695 MHz:

State	Location	Latitude	Longitude	Radius (km)
CA	Sacramento	38°35′50″	121°32′34″	55
CO	Boulder	39°59′26″	105°15′51″	02
ID	Boise	43°35′42″	116°13′49″	39
IL	Rock Island	41°31′04″	090°33′46″	19
MO	Kansas City	39°16′40″	094°39′44″	40
MO	St. Louis	38°35′26″	090°12′25″	34
MS	Columbus Lake	33°32′04″	088°30′06″	03
MS	Vicksburg	32°20′47″	090°50′10″	16
NE	Omaha	41°20′56″	095°57′34″	30
OH	Cincinnati	39°06′10″	084°30′35″	32
OK	Norman	35°10′52″	097°26′21″	03
TN	Knoxville	35°57′58″	083°55′13″	50
WV	Fairmont	39°26′02″	080°11′33″	04
PR	Guaynabo	18°25′26″	066°06′50″	48

Note: The coordinates are specified in the conventional manner (North latitude, West longitude), except that the Guam (GU) entry is specified in terms of East longitude.

* * * * *

US91 In the band 1755–1780 MHz, the following provisions shall apply:

(a) Non-Federal use of the band 1755–1780 MHz by the fixed and mobile services is restricted to stations in the Advanced Wireless Service (AWS). Base stations that enable AWS mobile and portable stations to operate in the band 1755–1780 MHz must be successfully coordinated on a nationwide basis prior to operation, unless otherwise specified by Commission rule, order, or notice.

(b) In the band 1755–1780 MHz, the Federal systems listed below operate on a co-equal, primary basis with AWS stations. All other Federal stations in the fixed and mobile services identified in an approved Transition Plan will operate on a primary basis until reaccommodated in accordance with 47 CFR part 301.

(1) Joint Tactical Radio Systems (JTRS) may operate indefinitely at the following locations:

State	Training area	Latitude	Longitude
AZ	Yuma Proving Ground	33°12′14″	114°13′47″
CA	Fort Irwin	35°23′19″	116°37′43″
LA	Fort Polk	31°08′38″	093°06′52″

State	Training area	Latitude	Longitude
NC	Fort Bragg (including Camp MacKall)	35°09′04″	078°59′13″
NM	White Sands Missile Range	32°52′50″	106°23′10″
TX	Fort Hood	31°13′50″	097°45′23″

(2) Air combat training system (ACTS) stations may operate on two frequencies within two geographic zones that are defined by the following coordinates:

Geographic zone	Latitude	Longitude
Polygon 1	41°52′00″	117°49′00″
	42°00′00″	115°05′00″
	43°31′13″	115°47′18″
Polygon 2	47°29′00″	111°22′00″
	48°13′00″	110°00′00″
	47°30′00″	107°00′00″
	44°11′00″	103°06′00″

Note: ACTS transmitters may cause interference to AWS base stations between separation distances of 285 km (minimum) and 415 km (maximum).

(3) In the sub-band 1761–1780 MHz, Federal earth stations in the space operation service (Earth-to-space) may transmit at the following 25 sites and non-Federal base stations must accept harmful interference caused by the operation of these earth stations:

State	Site	Latitude	Longitude
AK	Fairbanks	64°58′20″	147°30′59″
CA	Camp Parks	37°43′51″	121°52′50″
CA	Huntington Beach	33°44′50″	118°02′04″
CA	Laguna Peak	34°06′31″	119°03′53″
CA	Monterey	36°35′42″	121°52′28″
CA	Sacramento	38°39′59″	121°23′33″
CA	Vandenberg AFB	34°49′23″	120°30′07″
CO	Buckley	39°42′55″	104°46′29″
CO	Schriever AFB	38°48′22″	104°31′41″
FL	Cape Canaveral AFS	28°29′09″	080°34′33″
FL	Cape GA, CCAFB	28°29′03″	080°34′21″
FL	JIATF–S Key West	24°32′36″	081°48′17″
HI	Kaena Point, Oahu	21°33′43″	158°14′31″
MD	Annapolis	38°59′27″	076°29′25″
MD	Blossom Point	38°25′53″	077°05′06″
MD	Patuxent River NAS	38°16′28″	076°24′45″
ME	Prospect Harbor	44°24′16″	068°00′46″
NC	Ft Bragg	35°09′04″	078°59′13″
NH	New Boston AFS	42°56′46″	071°37′44″
NM	Kirtland AFB	34°59′06″	106°30′28″
TX	Ft Hood	31°08′57″	097°46′12″
VA	Fort Belvoir	38°44′04″	077°09′12″
WA	Joint Base Lewis-McChord	47°06′11″	122°33′11″
GU	Andersen AFB	13°36′54″	144°51′22″
GU	NAVSOC Det. Charlie	13°34′58″	144°50′32″

Note: The coordinates are specified in the conventional manner (North latitude, West longitude), except that the Guam (GU) entries are specified in terms of East longitude. Use at Cape Canaveral AFS is restricted to launch support only. If required, successfully coordinated with all affected AWS licensees, and authorized by NTIA, reasonable modifications of these grandfathered Federal systems beyond their current authorizations or the addition of new earth station locations may be permitted. The details of the coordination must be filed with NTIA and FCC.

(c) In the band 1755–1780 MHz, the military services may conduct Electronic Warfare (EW) operations on Federal ranges and within associated airspace on a non-interference basis with respect to non-Federal AWS operations and shall not constrain implementation of non-Federal AWS operations. This use is restricted to Research, Development, Test and Evaluation (RDT&E), training, and Large Force Exercise (LFE) operations.

US92 In the band 2025–2110 MHz, Federal use of the co-primary fixed and mobile services is restricted to the military services and the following provisions apply:

(a) Federal use shall not cause harmful interference to, nor constrain the deployment and use of the band by, the Television Broadcast Auxiliary Service, the Cable Television Relay Service, or the Local Television Transmission Service. To facilitate compatible operations, coordination is required in accordance with a Memorandum of Understanding between Federal and non-Federal fixed and mobile operations. Non-Federal licensees shall make all reasonable efforts to accommodate military mobile and fixed operations; however, the use of the band 2025–2110 MHz by the non-Federal fixed and mobile services has priority over military fixed and mobile operations.

(b) Military stations should, to the extent practicable, employ frequency agile technologies and techniques, including the capability to tune to other frequencies and the use of a modular retrofit capability, to facilitate sharing of this band with incumbent Federal and non-Federal operations.

* * * * *

US289 In the bands 460–470 MHz and 1690–1695 MHz, the following provisions shall apply:

(a) In the band 460–470 MHz, space stations in the Earth exploration-satellite service (EESS) may be authorized for space-to-Earth transmissions on a secondary basis with respect to the fixed and mobile services.

When operating in the meteorological-satellite service, such stations shall be protected from harmful interference from other EESS applications. The power flux density produced at the Earth's surface by any space station in this band shall not exceed −152 dBW/m²/4 kHz.

(b) In the band 1690–1695 MHz, EESS applications, other than the meteorological-satellite service, may also be used for space-to-Earth transmissions subject to not causing harmful interference to stations operating in accordance with the Table of Frequency Allocations.

* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG41 In the band 2120–2180 MHz, the following provisions shall apply to grandfathered stations in the fixed service:

(a) In the sub-band 2160–2162 MHz, authorizations in the Broadband Radio Service (BRS) applied for after January 16, 1992 shall be granted on a secondary basis to Advanced Wireless Services (AWS). In the band 2150–2162 MHz, all other BRS stations shall operate on a primary basis until December 9, 2021, and may continue to operate on a secondary basis thereafter, unless said facility is relocated in accordance with 47 CFR 27.1250 through 27.1255.

(b) In the sub-band 2160–2180 MHz, fixed stations authorized pursuant to 47 CFR part 101 may continue to operate on a secondary basis to AWS.

* * * * *

■ 5. Section 2.1033 is amended by adding paragraph (c)(19) to read as follows:

§ 2.1033 Application for certification.

* * * * *

(c) * * *

(19) Applications for certification of equipment operating under part 27 of this chapter, that a manufacturer is seeking to certify for operation in the:

(i) 1755–1780 MHz, 2155–2180 MHz, or both bands shall include a statement indicating compliance with the pairing of 1710–1780 and 2110–2180 MHz specified in §§ 27.5(h) and 27.75 of this chapter.

(ii) 1695–1710 MHz, 1755–1780 MHz, or both bands shall include a statement indicating compliance with § 27.77 of this chapter.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 6. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, and 1451 unless otherwise noted.

■ 7. Section 27.1 is amended by adding paragraphs (b)(11) through (13) to read as follows:

§ 27.1 Basis and purpose.

* * * * *

(b) * * *

(11) 1695–1710 MHz.

(12) 1755–1780 MHz.

(13) 2155–2180 MHz.

* * * * *

■ 8. Section 27.5 is amended by revising paragraph (h) to read as follows:

§ 27.5 Frequencies

* * * * *

(h) *1710–1755 MHz, 2110–2155 MHz, 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands.* The following frequencies are available for licensing pursuant to this part in the 1710–1755 MHz, 2110–2155 MHz, 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands:

(1) Four paired channel blocks of 10 megahertz each are available for assignment as follows:

Block A: 1710–1720 MHz and 2110–2120 MHz;

Block B: 1720–1730 MHz and 2120–2130 MHz;

Block F: 1745–1755 MHz and 2145–2155 MHz; and

Block J: 1770–1780 MHz and 2170–2180 MHz.

(2) Six paired channel blocks of 5 megahertz each are available for assignment as follows:

Block C: 1730–1735 MHz and 2130–2135 MHz;

Block D: 1735–1740 MHz and 2135–2140 MHz;

Block E: 1740–1745 MHz and 2140–2145 MHz;

Block G: 1755–1760 MHz and 2155–2160 MHz;

Block H: 1760–1765 MHz and 2160–2165 MHz; and

Block I: 1765–1770 MHz and 2165–2170 MHz.

(3) One unpaired block of 5 megahertz and one unpaired block of 10 megahertz each are available for assignment as follows:

Block A1: 1695–1700 MHz

Block B1: 1700–1710 MHz

Note to paragraph (h). Licenses to operate in the 1695–1710 MHz and 1755–1780 MHz bands are subject to the condition that the licensee must not cause harmful interference to an incumbent Federal entity relocating from these bands under an approved Transition Plan. This condition remains in effect until NTIA terminates the applicable authorization of the incumbent Federal entity.

* * * * *

■ 9. Section 27.6 is amended by adding paragraph (k) to read as follows:

§ 27.6 Service areas.

* * * * *

(k) *1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands.* AWS service areas for the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands are as follows:

(1) Service areas for Block G (1755–1760 MHz and 2155–2160 MHz) are based on cellular markets comprising Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs) as defined by Public Notice Report No. CL–92–40 ''Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties,'' dated January 24, 1992, DA 92–109, 7 FCC Rcd 742 (1992), with the following modifications:

(i) The service areas of cellular markets that border the U.S. coastline of the Gulf of Mexico extend 12 nautical miles from the U.S. Gulf coastline.

(ii) The service area of cellular market 306 that comprises the water area of the Gulf of Mexico extends from 12 nautical miles off the U.S. Gulf coast outward into the Gulf.

(2) Service areas for Blocks H (1760–1765 MHz and 2160–2165 MHz), I (1765–1770 MHz and 2165–2170 MHz), J (1770–1780 MHz and 2170–2180 MHz), A1 (1695–1700 MHz) and B1 (1700–1710 MHz) are based on Economic Areas (EAs) as defined in paragraph (a) of this section.

■ 10. Section 27.11is amended by adding paragraph (j) to read as follows:

§ 27.11 Initial authorization.

* * * * *

(j) *1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands.* (1) Initial authorizations for the 1695–1710 MHz band shall be based on the frequency blocks specified in § 27.5(h)(3) and the corresponding service area specified in § 27.6(k)(2).

(2) Initial authorizations for the 1755–1780 MHz and 2155–2180 MHz shall be based on the paired frequency blocks specified in § 27.5(h)(1) and (2) and the corresponding service areas specified in § 27.6(k)(1) and (2).

■ 11. Section 27.13(k) is added to read as follows:

§ 27.13 License period.

* * * * *

(k) *1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands.* Authorizations for the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands will have a term not to exceed twelve (12) years from the date of issuance and ten (10) years from the date of any subsequent license renewal.

■ 12. Section 27.14 is amended by revising paragraphs (a), (f), and (k), adding paragraph (q)(7), revising paragraphs (r)(1) and (4) and (r)(6)(i), and adding paragraph (s) to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

(a) AWS and WCS licensees, with the exception of WCS licensees holding authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, Block C, C1 or C2 in the 746–757 MHz and 776–787 MHz bands, Block A in the 2305–2310 MHz and 2350–2355 MHz bands, Block B in the 2310–2315 MHz and 2355–2360 MHz bands, Block C in the 2315–2320 MHz band, and Block D in the 2345–2350 MHz band, and with the exception of licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, the 2000–2020 MHz and 2180–2200 MHz bands, or 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, must, as a performance requirement, make a showing of ''substantial service'' in their license area within the prescribed license term set forth in § 27.13. ''Substantial service'' is defined as service which is sound, favorable and substantially above a level of mediocre service which just might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

* * * * *

(f) Comparative renewal proceedings do not apply to WCS licensees holding authorizations for the 698–746 MHz, 747–762 MHz, and 777–792 MHz bands or licensees holding AWS authorizations for the 1915–1920 MHz and 1995–2000 MHz bands or the 2000–2020 MHz and 2180–2200 MHz bands, or the 1695–1710 MHz, or the 1755–1780 MHz and 2155–2180 MHz bands. These licensees must file a renewal application in accordance with the provisions set forth in § 1.949 of this chapter.

* * * * *

(k) Licensees holding WCS or AWS authorizations in the spectrum blocks enumerated in paragraphs (g), (h), (i), (q), (r) or (s) of this section, including any licensee that obtained its license pursuant to the procedures set forth in paragraph (j) of this section, shall demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the expiration of the applicable benchmark, in accordance with the provisions set forth in § 1.946(d) of this chapter. The licensee must certify whether it has met the applicable performance requirements. The licensee must file a description and certification of the areas for which it is providing service. The construction notifications must include electronic coverage maps, supporting technical documentation and any other information as the Wireless Telecommunications Bureau may prescribe by public notice.

* * * * *

(q) * * *

(7) *Renewal showing.* An applicant for renewal of a geographic-area authorization in the 2000–2020 MHz and 2180–2200 MHz service bands must make a renewal showing, independent of its performance requirements, as a condition of renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address:

(i) The level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered);

(ii) The date service commenced, whether service was ever interrupted, and the duration of any interruption or outage;

(iii) The extent to which service is provided to rural areas;

(iv) The extent to which service is provided to qualifying tribal land as defined in § 1.2110(f)(3)(i) of this chapter; and

(v) Any other factors associated with the level of service to the public.

(r) * * *

(1) A licensee shall provide signal coverage and offer service within four (4) years from the date of the initial license to at least forty (40) percent of the population in each of its licensed areas (''Interim Buildout Requirement'').

* * * * *

(4) If a licensee fails to establish that it meets the Final Buildout Requirement for a particular licensed area, its authorization for each license area in which it fails to meet the Final Buildout Requirement shall terminate automatically without Commission action and the licensee will be ineligible to regain it if the Commission makes the license available at a later date.

* * * * *

(6) * * *

(i) The level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered);

* * * * *

(s) The following provisions apply to any licensee holding an AWS authorization in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands:

(1) A licensee shall provide reliable signal coverage and offer service within six (6) years from the date of the initial license to at least forty (40) percent of the population in each of its licensed areas (''Interim Buildout Requirement'').

(2) A licensee shall provide reliable signal coverage and offer service within twelve (12) years from the date of the initial license to at least seventy-five (75) percent of the population in each of its licensed areas (''Final Buildout Requirement'').

(3) If a licensee fails to establish that it meets the Interim Buildout Requirement for a particular licensed area, then the Final Buildout Requirement (in this paragraph (s)) and the AWS license term (as set forth in § 27.13(k)) for each license area in which it fails to meet the Interim Buildout Requirement shall be accelerated by two (2) years (from twelve (12) to ten (10) years).

(4) If a licensee fails to establish that it meets the Final Buildout Requirement for a particular licensed area, its authorization for each license area in which it fails to meet the Final Buildout Requirement shall terminate automatically without Commission action and the licensee will be ineligible to regain it if the Commission makes the license available at a later date.

(5) To demonstrate compliance with these performance requirements, licensees shall use the most recently available U.S. Census Data at the time of measurement and shall base their measurements of population served on areas no larger than the Census Tract level. The population within a specific Census Tract (or other acceptable identifier) will be deemed served by the licensee only if it provides signal coverage to and offers service within the specific Census Tract (or other acceptable identifier). To the extent the Census Tract (or other acceptable identifier) extends beyond the boundaries of a license area, a licensee with authorizations for such areas may include only the population within the Census Tract (or other acceptable identifier) towards meeting the performance requirement of a single,

individual license. For the Gulf of Mexico license area, the licensee shall demonstrate compliance with these performance requirements, using off-shore platforms, including production, manifold, compression, pumping and valving platforms as a proxy for population in the Gulf of Mexico.

(6) An applicant for renewal of a license covered by paragraph (s) of this section must make a renewal showing, independent of its performance requirements, as a condition of each renewal. The showing must include a detailed description of the applicant's provision of service during the entire license period and address:

(i) The level and quality of service provided by the applicant (including the population served, the area served, the number of subscribers, the services offered);

(ii) The date service commenced, whether service was ever interrupted, and the duration of any interruption or outage;

(iii) The extent to which service is provided to rural areas;

(iv) The extent to which service is provided to qualifying tribal land as defined in § 1.2110(f)(3)(i) of this chapter; and

(v) Any other factors associated with the level of service to the public.

■ 13. Section 27.15 is amended by revising the first sentence of paragraph (d)(1)(i), paragraph (d)(1)(iii), the first sentence of paragraph (d)(2)(i), and paragraph (d)(2)(iii) to read as follows:

§ 27.15 Geographic partitioning and spectrum disaggregation.

* * * * *

(d) * * *

(1) * * *

(i) Except for WCS licensees holding authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, or Blocks C, C1, and C2 in the 746–757 MHz and 776–787 MHz bands; and for licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, the 2000–2020 MHz and 2180–2200 MHz bands; or the 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, the following rules apply to WCS and AWS licensees holding authorizations for purposes of implementing the construction requirements set forth in § 27.14. * * *

* * * * *

(iii) For licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, or the 2000–2020 MHz and 2180–2200 MHz bands, or the 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, the following rules apply for purposes of implementing the construction requirements set forth in § 27.14. Each party to a geographic partitioning must individually meet any service-specific performance requirements (i.e., construction and operation requirements). If a partitioner or partitionee fails to meet any service-specific performance requirements on or before the required date, then the consequences for this failure shall be those enumerated in § 27.14(q) for 2000–2020 MHz and 2180–2200 MHz licenses, those enumerated in § 27.14(r) for 1915–1920 MHz and 1995–2000 MHz licenses, and those enumerated in § 27.14(s) for 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz licenses.

(2) * * *

(i) Except for WCS licensees holding authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, or Blocks C, C1, and C2 in the 746–757 MHz and 776–787 MHz bands; and for licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, the 2000–2020 MHz and 2180–2200 MHz bands or the 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands; the following rules apply to WCS and AWS licensees holding authorizations for purposes of implementing the construction requirements set forth in § 27.14. * * *

* * * * *

(iii) For licensees holding AWS authorizations in the 1915–1920 MHz and 1995–2000 MHz bands, or the 2000–2020 MHz and 2180–2200 MHz bands, or the 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands, the following rules apply for purposes of implementing the construction requirements set forth in § 27.14. Each party to a spectrum disaggregation must individually meet any service-specific performance requirements (i.e., construction and operation requirements). If a disaggregator or a disaggregatee fails to meet any service-specific performance requirements on or before the required date, then the consequences for this failure shall be those enumerated in § 27.14(q) for 2000–2020 MHz and 2180–2200 MHz licenses, those enumerated in § 27.14(r) for 1915–1920 MHz and 1995–2000 MHz licenses, and those enumerated in § 27.14(s) for 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz.

■ 14. Section 27.17 is revised to read as follows:

§ 27.17 Discontinuance of service in the 1695–1710 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2155–2180 MHz, and 2180–2200 MHz bands.

(a) *Termination of authorization.* An AWS authorization in the 1695–1710 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2155–2180 MHz, and 2180–2200 MHz bands will automatically terminate, without specific Commission action, if the licensee permanently discontinues service either during the initial license term or during any subsequent license term, as follows:

(1) After the interim buildout deadline as specified in § 27.14(r) or (s), as applicable (where the licensee meets the interim buildout requirement), or after the accelerated final buildout deadline (where the licensee failed to meet the interim buildout requirement).

(2) After the AWS–4 final buildout deadline as specified in § 27.14(q)(1) (where the licensee meets the AWS–4 interim buildout requirement), or after the accelerated final buildout deadline specified in § 27.14(q)(3) (where the licensee failed to meet its AWS–4 interim buildout requirement).

(b) For licensees with common carrier or non-common carrier regulatory status that hold AWS authorizations in the 1695–1710 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2155–2180 MHz, and 2180–2200 MHz bands, permanent discontinuance of service is defined as 180 consecutive days during which a licensee does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the licensee. For licensees with private, internal regulatory status that hold AWS authorizations in the 1695–1710 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2155–2180 MHz, and 2180–2200 MHz bands, permanent discontinuance of service is defined as 180 consecutive days during which a licensee does not operate.

(c) *Filing Requirements.* A licensee that holds an AWS authorization in the 1695–1710 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2155–2180 MHz, and 2180–2200 MHz bands that permanently discontinues service as defined in this section must notify the Commission of the discontinuance within 10 days by filing FCC Form 601 or 605 requesting license cancellation. An authorization will automatically terminate, without specific Commission action, if service is permanently discontinued as defined in this section, even if a licensee fails to file the required form requesting license cancellation.

■ 15. Section 27.50 is amended by revising paragraph (d) to read as follows:

§ 27.50 Power limits and duty cycle.

* * * * *

(d) The following power and antenna height requirements apply to stations transmitting in the 1695–1710 MHz, 1710–1755 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2110–2155 MHz, 2155–2180 MHz and 2180–2200 MHz bands:

(1) The power of each fixed or base station transmitting in the 1995–2000 MHz, 2110–2155 MHz, 2155–2180 MHz or 2180–2200 MHz band and located in any county with population density of 100 or fewer persons per square mile, based upon the most recently available population statistics from the Bureau of the Census, is limited to:

(i) An equivalent isotropically radiated power (EIRP) of 3280 watts when transmitting with an emission bandwidth of 1 MHz or less;

(ii) An EIRP of 3280 watts/MHz when transmitting with an emission bandwidth greater than 1 MHz.

(2) The power of each fixed or base station transmitting in the 1995–2000 MHz, the 2110–2155 MHz 2155–2180 MHz band, or 2180–2200 MHz band and situated in any geographic location other than that described in paragraph (d)(1) of this section is limited to:

(i) An equivalent isotropically radiated power (EIRP) of 1640 watts when transmitting with an emission bandwidth of 1 MHz or less;

(ii) An EIRP of 1640 watts/MHz when transmitting with an emission bandwidth greater than 1 MHz.

(3) A licensee operating a base or fixed station in the 2110–2155 MHz band utilizing a power greater than 1640 watts EIRP and greater than 1640 watts/MHz EIRP must coordinate such operations in advance with all Government and non-Government satellite entities in the 2025–2110 MHz band. A licensee operating a base or fixed station in the 2110–2180 MHz band utilizing power greater than 1640 watts EIRP and greater than 1640 watts/MHz EIRP must be coordinated in advance with the following licensees authorized to operate within 120 kilometers (75 miles) of the base or fixed station operating in this band: All Broadband Radio Service (BRS) licensees authorized under this part in the 2155–2160 MHz band and all advanced wireless services (AWS) licensees authorized to operate on adjacent frequency blocks in the 2110–2180 MHz band.

(4) Fixed, mobile, and portable (hand-held) stations operating in the 1710–1755 MHz band and mobile and portable stations operating in the 1695–1710 MHz and 1755–1780 MHz bands are limited to 1 watt EIRP. Fixed stations operating in the 1710–1755 MHz band are limited to a maximum antenna height of 10 meters above ground. Mobile and portable stations operating in these bands must employ a means for limiting power to the minimum necessary for successful communications.

* * * * *

■ 16. Section 27.53 is amended by redesignating paragraphs (d) through (m) as paragraphs (e) through (n), adding and reserving new paragraph (d), and revising newly redesignated paragraph (h)(1) to read as follows:

§ 27.53 Emission limits.

* * * * *

(h) * * *

(1) *General protection levels.* Except as otherwise specified below, for operations in the 1695–1710 MHz, 1710–1755 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2110–2155 MHz, 2155–2180 MHz, and 2180–2200 bands, the power of any emission outside a licensee's frequency block shall be attenuated below the transmitter power (P) in watts by at least $43 + 10 \log_{10}$ (P) dB.

* * * * *

■ 17. Section 27.55 is amended by revising paragraph (a)(1) to read as follows:

§ 27.55 Power strength limits.

(a) * * *

(1) 1995–2000 MHz, 2110–2155, 2155–2180, 2180–2200, 2305–2320, and 2345–2360 MHz bands: 47 dBμV/m.

* * * * *

■ 18. Section 27.57 is amended by revising paragraph (c) to read as follows:

§ 27.57 International coordination.

* * * * *

(c) Operation in the 1695–1710 MHz, 1710–1755 MHz, 1755–1780 MHz, 1915–1920 MHz, 1995–2000 MHz, 2000–2020 MHz, 2110–2155 MHz, 2155–2180 MHz, and 2180–2200 MHz bands is subject to international agreements with Mexico and Canada.

■ 19. Section 27.75 is added to read as follows:

§ 27.75 Basic interoperability requirement.

(a)(1) Mobile and portable stations that operate on any portion of frequencies in the paired 1755–1780 MHz and 2155–2180 MHz band must be capable of operating on all frequencies in the paired 1710–1780 MHz and 2110–2180 MHz band, using the same air interfaces that the equipment utilizes on any frequencies in the paired 1710–1780 MHz and 2110–2180 MHz band.

(2) [Reserved]

(b) The basic interoperability requirement in paragraph (a) of this section does not require a licensee to use any particular industry standard. Devices may also contain functions that are not operational in U.S. Territories.

■ 20. Section 27.77 is added to read as follows:

§ 27.77 Restriction on mobile and portable equipment in the 1695–1710 MHz and 1755–1780 MHz bands.

Mobile and portable stations in the 1695–1710 MHz and 1755–1780 MHz bands may operate only when under the control of a base station. Base stations that enable mobile or portable equipment to operate in the 1695–1710 MHz and 1755–1780 MHz band are subject to prior coordination requirements. See § 27.1134 (Protection of Federal Government operations).

■ 21. Part 27 is amended by revising the heading for subpart L to read as follows:

Subpart L—1695–1710 MHz, 1710–1755 MHz, 1755–1780 MHz, 2110–2155 MHz, 2155–2180 MHz, 2180–2200 MHz Bands

■ 22. Section 27.1105 is added to read as follows:

§ 27.1105 1695–1710 MHz, 1755–1780 MHz and 2155–2180 MHz bands subject to competitive bidding.

Mutually exclusive initial applications for 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz band licenses are subject to competitive bidding. The general competitive bidding procedures set forth in 47 CFR part 1, subpart Q will apply unless otherwise provided in this subpart.

■ 23. Section 27.1106 is added to read as follows:

§ 27.1106 Designated Entities in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz bands.

Eligibility for small business provisions:

(a) *Small business.* (1) A small business is an entity that, together with its affiliates, its controlling interests, the affiliates of its controlling interests, and the entities with which it has an attributable material relationship, has average gross revenues not exceeding $40 million for the preceding three (3) years.

(2) A very small business is an entity that, together with its affiliates, its controlling interests, the affiliates of its controlling interests, and the entities

with which it has an attributable material relationship, has average gross revenues not exceeding $15 million for the preceding three (3) years.

(b) *Bidding credits.* A winning bidder that qualifies as a small business as defined in this section or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter. A winning bidder that qualifies as a very small business as defined in this section or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter.

■ 24. Section 27.1111 is revised to read as follows:

§ 27.1111 Relocation of fixed microwave service licensees in the 2110–2150 and 2160–2200 MHz bands.

Part 22, subpart E and part 101, subpart B of this chapter contain provisions governing the relocation of incumbent fixed microwave service licensees in the 2110–2150 MHz and 2160–2200 MHz bands.

■ 25. Section 27.1131 is revised to read as follows:

§ 27.1131 Protection of Part 101 operations.

All AWS licensees, prior to initiating operations from any base or fixed station, must coordinate their frequency usage with co-channel and adjacent-channel incumbent, 47 CFR part 101 fixed-point-to-point microwave licensees operating in the 2110–2150 MHz and 2160–2200 MHz bands. Coordination shall be conducted in accordance with the provisions of § 24.237 of this chapter.

■ 26. Section 27.1132 is amended to read as follows:

§ 27.1132 Protection of incumbent operations in the 2150–2160/62 MHz band.

All AWS licensees, prior to initiating operations from any base or fixed station in the 2110–2180 MHz band, shall follow the provisions of § 27.1255.

■ 27. Section 27.1134 is amended by revising paragraph (c) and adding paragraph (f) to read as follows:

§ 27.1134 Protection of Federal Government operations.

* * * * *

(c) *Protection of Federal operations in the 1675–1710 MHz band.* (1) *27 Protection Zones.* Within 27 Protection Zones, prior to operating a base station that enables mobile or portable stations to transmit in the 1695–1710 MHz band, licensees must successfully coordinate such base station operations with Federal Government entities operating meteorological satellite Earth-station receivers in the 1675–1710 MHz band. See 47 CFR 2.106, footnote US 88, for the 27 Protection Zones and other details.

(2) *Operation outside of 27 Protection Zones.* Non-Federal operations, for mobile and portable stations operating at a maximum EIRP of 20 dBm, are permitted outside of the protection zones without coordination. All non-Federal operations for mobile and portables operating at a maximum EIRP of greater than 20 dBm and up to 30 dBm must be coordinated nationwide. All such operations may not cause harmful interference to the Federal operations protected in 47 CFR 2.106, footnote US 88.

(3) *Interference.* If protected Federal operations receive harmful interference from AWS operations in the 1695–1710 MHz band, an AWS licensee must, upon notification, modify its operations and/or technical parameters as necessary to eliminate the interference.

(4) *Point of contact.* AWS licensees in the 1695–1710 MHz band must provide and maintain a point of contact at all times so that immediate contact can be made should interference against protected Federal sites occur.

(5) *Coordination procedures.* Federal use of the radio spectrum is generally governed by the National Telecommunications and Information Administration (NTIA) while non-Federal use is governed by the Commission. As such, any guidance or details concerning Federal/non-Federal coordination must be issued jointly by NTIA and the Commission. The Commission may jointly issue with NTIA one or more public notices with guidance or details concerning the coordination procedures for the 1695–1710 MHz band.

(6) *Requirements for licensees operating in the 1710–1755 MHz band.* AWS licensees operating fixed stations in the 1710–1755 MHz band, if notified that such stations are causing interference to radiosonde receivers operating in the Meteorological Aids Service in the 1675–1700 MHz band or a meteorological-satellite earth receiver operating in the Meteorological-Satellite Service in the 1675–1710 MHz band, shall be required to modify the stations' location and/or technical parameters as necessary to eliminate the interference.

* * * * *

(f) *Protection of Federal operations in the 1755–1780 MHz band.* The Federal Government operates communications systems in the 1755–1780 MHz band. Certain systems are expected to continue to operate in the band indefinitely. All other operations will be relocating to other frequencies or otherwise cease operations in the 1755–1780 MHz band in accordance with 47 CFR part 301. Until such a time as Federal operations in the 1755–1780 MHz bands vacate this spectrum, AWS licensees shall protect such systems and must accept any interference received from these Federal operations. See 47 CFR 2.106, footnote US 91, for details. AWS licensees must successfully coordinate proposed operations with all Federal incumbents prior to operation as follows:

(1) *Protection Zone(s).* A protection zone is established for each Federal operation pursuant to 47 CFR 2.106, footnote US 91. Unless otherwise specified in later Commission actions, the default protection zone is nationwide. A base station which enables mobile or portable stations to transmit in the 1755–1780 MHz band may not operate within the Protection Zone(s) of a Federal operation until the licensee successfully coordinates such base station operations with Federal Government entities as follows depending on the type of Federal incumbent authorization:

(i) *Federal US&P Assignments.* Each AWS licensee must coordinate with each Federal agency that has U.S. and Possessions (US&P) authority prior to its first operations in its licensed area to reach a coordination arrangement with each US&P agency on an operator-to-operator basis. (Agencies with U.S. and Possessions (US&P) authority do not operate nationwide and may be able to share, prior to relocation, in some areas.)

(ii) *Other Federal Assignments.* Each AWS licensee must successfully coordinate all base station operations within a Protection Zone with the Federal incumbents. The default requirement is a nationwide coordination zone with possible revisions to the Protection Zone and other details to be announced in a Joint FCC/NTIA public notice.

(2) *Interference.* If protected Federal operations receive harmful interference from AWS operations in the 1755–1780 MHz band, an AWS licensee must, upon notification, modify its operations and/or technical parameters as necessary to eliminate the interference.

(3) *Point of contact.* AWS licensees in the 1755–1780 MHz band must provide and maintain a point of contact at all times so that immediate contact can be made should interference against protected Federal operations occur.

(4) *Coordination procedures.* Federal use of the radio spectrum is generally governed by the National Telecommunications and Information Administration (NTIA) while non-Federal use is governed by the Commission. As such, any guidance or details concerning Federal/non-Federal coordination must be issued jointly by NTIA and the Commission. The Commission may jointly issue with NTIA one or more public notices with guidance or details concerning the coordination procedures for the 1755–1780 MHz band.

[FR Doc. 2014–11235 Filed 6–3–14; 8:45 am]

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FEDERAL REGISTER

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations for the 2014–15 Hunting Season; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2014–0017]; [FF09M21200–134–FXMB1231099BPP0]

RIN 1018–AZ80

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations for the 2014–15 Hunting Season; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 2014–15 hunting season. This supplement to the proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee and Flyway Council meetings, and provides Flyway Council recommendations resulting from their March meetings.

DATES: *Comments:* You must submit comments on the proposed regulatory alternatives for the 2014–15 duck hunting seasons on or before June 27, 2014. Following subsequent **Federal Register** notices, you will be given an opportunity to submit comments for proposed early-season frameworks by July 29, 2014, and for proposed late-season frameworks and subsistence migratory bird seasons in Alaska by August 29, 2014.

Meetings: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early-season migratory bird hunting on June 25 and 26, 2014, and for late-season migratory bird hunting and the 2015 spring/summer migratory bird subsistence season in Alaska on July 30 and 31, 2014. All meetings will commence at approximately 8:30 a.m.

ADDRESSES:

Comments: You may submit comments on the proposals by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–MB–2014–0017.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–HQ–MB–2014–0017; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We will not accept emailed or faxed comments. 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).

Meetings: The Service Migratory Bird Regulations Committee will meet at the Holiday Inn Arlington at Ballston, 4610 N. Fairfax Dr., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street NW., Washington, DC 20240; (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2014

On April 30, 2014, we published in the **Federal Register** (79 FR 24512) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. We will publish proposed early-season frameworks in early July and late-season frameworks in early August. We will publish final regulatory frameworks for early seasons on or about August 15, 2014, and for late seasons on or about September 19, 2014.

Service Migratory Bird Regulations Committee Meetings

The Service Migratory Bird Regulations Committee (SRC) will meet June 25–26, 2014, to review information on the current status of migratory shore and upland game birds and develop 2014–15 migratory game bird regulations recommendations for these species, plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands. The Committee will also develop regulations recommendations for September waterfowl seasons in designated States, special sea duck seasons in the Atlantic Flyway, and extended falconry seasons. In addition, the Committee will review and discuss preliminary information on the status of waterfowl.

At the July 30–31, 2014, meetings, the Committee will review information on the current status of waterfowl and develop 2014–15 migratory game bird regulations recommendations for regular waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In addition, the Committee will develop recommendations for the 2015 spring/summer migratory bird subsistence season in Alaska.

In accordance with Departmental policy, these meetings are open to public observation. You may submit written comments to the Service on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the individual meetings of the four Flyway Councils this July. Although agendas are not yet available, these meetings usually commence at 8 a.m. on the days indicated.

Atlantic Flyway Council: July 24–25, Charleston Marriott Town Center, Charleston, WV.

Mississippi Flyway Council: July 24–25, Stoney Creek Inn, Johnston, IA.

Central Flyway Council: July 24–25, YO Ranch Hotel and Conference Center, Kerrville, TX.

Pacific Flyway Council: July 25, Provo Marriott Hotel and Conference Center, Provo, UT.

Review of Public Comments

This supplemental rulemaking describes Flyway Council recommended changes based on the preliminary proposals published in the April 30, 2014, **Federal Register**. We have included only those recommendations requiring either new proposals or substantial modification of the preliminary proposals and do not include recommendations that simply support or oppose preliminary proposals and provide no recommended alternatives. Our responses to some Flyway Council recommendations, but not others, are merely a clarification aid to the reader on the overall regulatory process, not a definitive response to the issue. We will publish responses to all proposals and written comments when we develop final frameworks.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items identified in the April 30 proposed rule. Only those categories requiring your attention or for which we received Flyway Council recommendations are discussed below.

1. Ducks

Duck harvest management categories are: (A) General Harvest Strategy; (B)

Regulatory Alternatives, including specification of framework dates, season length, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management.

A. General Harvest Strategy

Council Recommendations: The Mississippi Flyway Council recommended that regulations changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

Service Response: As we stated in the April 30 **Federal Register**, the final adaptive harvest management (AHM) protocol for the 2014–15 season will be detailed in the early-season proposed rule, which will be published in mid-July.

B. Regulatory Alternatives

Council Recommendations: The Mississippi and Central Flyway Councils recommended that regulatory alternatives for duck hunting seasons remain the same as those used in 2013–14.

Service Response: As we stated in the April 30 **Federal Register**, the final regulatory alternatives for the 2014–15 season will be detailed in the early-season proposed rule, which will be published in mid-July.

D. Special Seasons/Species Management

i. September Teal Seasons

Council Recommendations: The Mississippi Flyway Council recommended that Iowa, Minnesota, Michigan, and Wisconsin be granted special September teal hunting seasons for an experimental 3-year period beginning in September 2014. The Council recommended that the framework for these seasons follow the established teal harvest strategy (i.e., 9 or 16 days with up to 6 bird daily limits) with sunrise to sunset shooting hours. Further, they recommended that the Service work with these States to develop a mutually acceptable evaluation plan prior to June 2014. In the event that this recommendation is not approved or Iowa declines the opportunity, the Council recommended that Iowa be allowed to retain their early September duck season.

The Central Flyway Council recommended that two additional blue-winged teal be allowed in the daily duck bag for the first 16 days of the regular duck season in the production States of North and South Dakota, Montana, and Wyoming. The season would be evaluated over the first 3 years, beginning with the 2014–15 hunting season. The Council also recommended allowing an experimental September teal season in the portion of Nebraska not currently open to September teal hunting. Criteria for the experimental season would be the same as for other non-production States, and the state of Nebraska will work with the Service to develop an evaluation plan for the experiment.

ii. September Teal/Wood Duck Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the daily bag limit for teal in Florida during the September teal/wood duck season be a total of 6 birds with no more than 2 wood ducks (the current total bag is 4 birds with no more than 2 wood ducks). The Council further recommended that Florida be permitted to add additional teal-only days to their September teal/wood duck season. In years when the teal harvest strategy calls for a 9-day teal season, Florida would maintain their current 5-day teal/wood duck season. In years when the teal harvest strategy calls for a 16-day teal season, Florida would add 4 additional teal-only days to their current 5-day teal/wood duck season.

The Mississippi Flyway Council recommended that the teal bag limit during Kentucky and Tennessee's September teal/wood duck seasons be the same as that permitted in other States with September teal-only seasons. The Council further recommended that States with September teal/wood duck seasons (Kentucky and Tennessee) be permitted to add additional teal-only days to their September teal/wood duck seasons. In years when the teal harvest strategy calls for a 9-day teal season, those States would maintain their current 5-day wood duck/teal season. In years when the teal harvest strategy calls for a 16-day teal season, those States would add 4 additional teal-only days to their current 5-day teal/wood duck season.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Pacific Flyway Council recommended increasing the daily bag limit from 5 to 15 Canada geese in Pacific County, Washington. The Council also pointed out the need to eliminate several previously approved framework restrictions in Wyoming and Idaho.

B. Regular Seasons

Council Recommendations: The Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in the Lower Peninsula of Michigan and Wisconsin be September 16, 2014, and in the Upper Peninsula of Michigan be September 11, 2014.

C. Special Late Seasons

Council Recommendations: The Atlantic Flyway Council recommended that Rhode Island be approved for minor expansion of the late season hunting zone boundary for Canada geese.

9. Sandhill Cranes

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended that Kentucky be allowed a 1-year continuation of their sandhill crane season for the 2014–15 season under harvest guidelines approved for their experimental season.

The Central and Pacific Flyway Councils recommended the expansion of an existing Rocky Mountain Population (RMP) sandhill crane hunting unit in southwestern Montana (the Dillon/Twin Bridges/Cardwell hunt area to include all of Madison and Gallatin Counties). The Councils also recommended using the 2014 RMP sandhill crane harvest allocation of 676 birds as proposed in the allocation formula using the 3-year running population average for 2011–13.

16. Mourning Doves

Council Recommendations: The Atlantic and Mississippi Flyway Councils recommended use of the ''standard'' season framework comprised of a 90-day season and 15-bird daily bag limit for States within the Eastern Management Unit. The daily bag limit could be composed of mourning doves and white-winged doves, singly or in combination.

The Mississippi and Central Flyway Councils recommend the use of the ''standard'' season package of a 15-bird daily bag limit and a 70-day season for the 2014–15 mourning dove season in the States within the Central Management Unit.

The Pacific Flyway Council recommended use of the ''standard'' season framework for States in the Western Management Unit (WMU) population of doves. In Idaho, Nevada, Oregon, Utah, and Washington, the season length would be no more than 60 consecutive days with a daily bag limit of 15 mourning and white-winged doves in the aggregate. In Arizona and California, the season length would be no more than 60 consecutive days, which could be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag

limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves. During the remainder of the season, the daily bag limit would be 15 mourning doves. In California, the daily bag limit would be 15 mourning and white-winged doves in the aggregate, of which no more than 10 could be white-winged doves.

The Atlantic, Mississippi, Central, and Pacific Flyway Councils also recommended that the Service use a 3-year running average to calculate the predicted dove abundance in the annual assessment of the status of mourning doves in support of the regulation-setting process under the dove harvest strategy beginning with the 2015–16 hunting season.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended several changes in the Alaska early season frameworks. Specifically, they recommended:

1. Splitting the ''Dark Geese'' framework into separate frameworks for Canada geese and white-fronted geese.

2. For both Canada geese and white-fronted geese, the basic framework for season dates, outside dates, zones, and daily bag and possession limits remains the same as it was under ''Dark Geese.''

3. In Unit 18, in western Alaska, white-fronted geese daily bag and possession limits would be increased from a dark goose daily bag limit of 4 birds, 12 in possession, to a white-fronted goose daily bag limit of 8 birds, 24 in possession.

4. In Units 6C and Hawkins and Hinchinbrook Islands in 6D, if dusky Canada geese exceed the population threshold to return to Action Level 1 status (3-year average based on May 2011, 2012, and 2014 survey), then implement Action Level 1 regulations as stated in the Dusky Canada Goose Management Plan and eliminate requirements for a special permit hunt and harvest quota, but maintain possession limits at 2 times the daily bag limit.

Public Comments

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments we receive. Such comments, and any additional information we receive, may lead to final regulations that differ from these proposals.

You may submit your comments and materials concerning the proposed rule by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by email or fax or to an address not listed in the **ADDRESSES** section. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post all comments in their entirety—including your personal identifying information—on *http://www.regulations.gov.* 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.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Division of Migratory Bird Management, Room 4107, 4501 North Fairfax Drive, Arlington, VA 22203.

For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments we receive during the comment period and respond to them after the closing date in any final rules.

Required Determinations

Based on our most current data, we are affirming our required determinations made in the proposed rule; for descriptions of our actions to ensure compliance with the following statutes and Executive Orders, see our April 30, 2014, proposed rule (79 FR 24512):

- National Environmental Policy Act;
- Endangered Species Act;
- Regulatory Planning and Review;
- Regulatory Flexibility Act;
- Small Business Regulatory Enforcement Fairness Act;
- Paperwork Reduction Act;
- Unfunded Mandates Reform Act;
- Executive Orders 12630, 12988, 13175, 13132, and 13211.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Authority

The rules that eventually will be promulgated for the 2014–15 hunting season are authorized under 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742 a–j.

Dated: May 21, 2014.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2014–12825 Filed 6–3–14; 8:45 am]

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Part IV

The President

Proclamation 9134—African-American Music Appreciation Month, 2014
Proclamation 9135—Great Outdoors Month, 2014
Proclamation 9136—Lesbian, Gay, Bisexual, and Transgender Pride Month, 2014
Proclamation 9137—National Caribbean-American Heritage Month, 2014
Proclamation 9138—National Oceans Month, 2014

Federal Register
Vol. 79, No. 107
Wednesday, June 4, 2014

Presidential Documents

Title 3—

The President

Proclamation 9134 of May 30, 2014

African-American Music Appreciation Month, 2014

By the President of the United States of America

A Proclamation

Our country is home to a proud legacy of African-American musicians whose songs transcend genre. They make us move, make us think, and make us feel the full range of emotion—from the pain of isolation to the power of human connection. During African-American Music Appreciation Month, we celebrate artists whose works both tell and shape our Nation's story.

For centuries, African-American music has lifted the voices of those whose poetry is born from struggle. As generations of slaves toiled in the most brutal of conditions, they joined their voices in faithful chords that both captured the depths of their sorrow and wove visions of a brighter day. At a time when dance floors were divided, rhythm and blues and rock and roll helped bring us together. And as activists marched for their civil rights, they faced hatred with song. Theirs was a movement with a soundtrack—spirituals that fed their souls and protest songs that sharpened their desire to right the great wrongs of their time.

The influence of African-American artists resounds each day through symphony halls, church sanctuaries, music studios, and vast arenas. It fills us with inspiration and calls us to action. This month, as we honor the history of African-American music, let it continue to give us hope and carry us forward—as one people and one Nation.

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 June 2014 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and foster appreciation of music that is composed, arranged, or performed by African Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2014–13154
Filed 6–3–14; 11:15 am]
Billing code 3295–F4

Presidential Documents

Proclamation 9135 of May 30, 2014

Great Outdoors Month, 2014

By the President of the United States of America

A Proclamation

On windswept coastlines, in lush forests, and atop striking mountain peaks, Americans take in sights that have inspired generations. Our natural landscapes provide refuge for those seeking solitude. They attract tourism, create jobs, and honor our history and cultural heritage. They are family campgrounds, arenas for recreation, and backdrops for countless adventures. During Great Outdoors Month, we celebrate the rugged beauty that echoes the independence at the heart of the American spirit, and we rededicate ourselves to protecting these open spaces for tomorrow's explorers, athletes, and lovers of nature.

America's conservation legacy is rooted not only in its forward-thinking leaders like Presidents Thomas Jefferson, Abraham Lincoln, and Theodore Roosevelt—but also in all the Americans who did their part to safeguard a small slice of the land they love. It falls to each of us to advance their legacy in our time. That is why I have permanently protected more than 3 million acres of public land—including 11 new National Monuments established through the Antiquities Act and new wilderness areas in nine States across the country—and designated more than a thousand miles of wild and scenic rivers. In my first term, I was proud to launch the America's Great Outdoors Initiative, which increases access to public lands and empowers Americans to better care for the parks, waterways, and natural treasures in their own communities.

My Administration remains committed to developing the next generation of environmental stewards. We created the 21st Century Conservation Service Corps, which provides quality jobs, career pathways, and service opportunities for young people and veterans. We are working to bring public lands into the classroom and to extend educational opportunities to millions of children. And through First Lady Michelle Obama's *Let's Move Outside!* initiative, we are encouraging children to get active while getting to know the great outdoors.

This month, as we enjoy the natural splendor of our Nation, let us stay true to a uniquely American idea—that each of us has an equal stake in the land around us, and an equal responsibility to protect it. Together, let us ensure our children and grandchildren will be able to look upon our lands with the same sense of wonder as all the generations that came before.

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 June 2014 as Great Outdoors Month. I urge all Americans to explore the great outdoors and to uphold our Nation's legacy of conserving our lands and waters.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2014–13155
Filed 6–3–14; 11:15 am]
Billing code 3295–F4

Presidential Documents

Proclamation 9136 of May 30, 2014

Lesbian, Gay, Bisexual, and Transgender Pride Month, 2014

By the President of the United States of America

A Proclamation

As progress spreads from State to State, as justice is delivered in the courtroom, and as more of our fellow Americans are treated with dignity and respect—our Nation becomes not only more accepting, but more equal as well. During Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month, we celebrate victories that have affirmed freedom and fairness, and we recommit ourselves to completing the work that remains.

Last year, supporters of equality celebrated the Supreme Court's decision to strike down a key provision of the Defense of Marriage Act, a ruling which, at long last, gave loving, committed families the respect and legal protections they deserve. In keeping with this decision, my Administration is extending family and spousal benefits—from immigration benefits to military family benefits—to legally married same-sex couples.

My Administration proudly stands alongside all those who fight for LGBT rights. Here at home, we have strengthened laws against violence toward LGBT Americans, taken action to prevent bullying and harassment, and prohibited discrimination in housing and hospitals. Despite this progress, LGBT workers in too many States can be fired just because of their sexual orientation or gender identity; I continue to call on the Congress to correct this injustice by passing the Employment Non-Discrimination Act. And in the years ahead, we will remain dedicated to addressing health disparities within the LGBT community by implementing the Affordable Care Act and the National HIV/AIDS Strategy—which focuses on improving care while decreasing HIV transmission rates among communities most at risk.

Our commitment to advancing equality for the LGBT community extends far beyond our borders. In many places around the globe, LGBT people face persecution, arrest, or even state-sponsored execution. This is unacceptable. The United States calls on every nation to join us in defending the universal human rights of our LGBT brothers and sisters.

This month, as we mark 45 years since the patrons of the Stonewall Inn defied an unjust policy and awakened a nascent movement, let us honor every brave leader who stood up, sat in, and came out, as well as the allies who supported them along the way. Following their example, let each of us speak for tolerance, justice, and dignity—because if hearts and minds continue to change over time, laws will too.

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 June 2014 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2014–13156
Filed 6–3–14; 11:15 am]
Billing code 3295–F4

Presidential Documents

Proclamation 9137 of May 30, 2014

National Caribbean-American Heritage Month, 2014

By the President of the United States of America

A Proclamation

Caribbean Americans are part of a great national tradition, descendants of hopeful, striving people who journeyed to our lands in search of a better life. They were drawn by a belief in the power of opportunity, a belief that through hard work and sacrifice, they could provide their children with chances they had never known. Thanks to these opportunities and their talent and perseverance, Caribbean Americans have contributed to every aspect of our society—from science and medicine to business and the arts. During National Caribbean-American Heritage Month, we honor their history, culture, and essential role in the American narrative.

It is also a time to renew our friendship with our Caribbean neighbors, with whom we share both an ocean and a history. To this end, the United States is expanding cooperation with our Caribbean partners as we promote social justice, grow prosperity throughout the Americas, and create new educational opportunities for young people across the Caribbean basin, as well as for Caribbean Americans in our own communities. We are also working to advance commonsense immigration reform that will allow future generations of Caribbean Americans to share their talents with our Nation.

As America celebrates our Caribbean heritage, let us hold fast to the spirit that makes our country a beacon to the world. This month, let us remember that we are always at our best when we focus not on what we can tear down, but on what we can build up. And together, let us strengthen the bonds that hold together the most diverse Nation on earth.

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 June 2014 as National Caribbean-American Heritage Month. I encourage all Americans to celebrate the history and culture of Caribbean Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2014–13158
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Presidential Documents

Proclamation 9138 of May 30, 2014

National Oceans Month, 2014

By the President of the United States of America

A Proclamation

Americans look to the oceans as natural treasures, a source of food and energy, and a foundation for our way of life. Our oceans, coasts, and Great Lakes provide jobs and attract tourism. They provide a habitat for scores of species. They are vital to our Nation's transportation, economy, and trade, linking us with countries across the globe and playing a role in our national security. This month, we reaffirm our responsibility to keep our oceans and coastal ecosystems healthy and resilient.

Meeting this responsibility requires us to reduce pollution, prevent habitat loss, support sustainable fisheries, and prepare for the unavoidable impacts of climate change. To tackle these challenges, my Administration is taking action to deliver on the commitments in our National Ocean Policy. Through this policy, we are striving to improve coordination across all levels of government, enhance efficiency, better our capability to collect and share information, and adopt ecosystem-scale planning and management. The Federal Government is working in coastal regions with States and tribes to support communities as they develop the solutions that work best for them. By taking these steps, we can safeguard these treasured ecosystems and conserve resources that help drive our economy.

During National Oceans Month, let us remember our obligations to good ocean stewardship. Let us celebrate the bounty our marine ecosystems provide by sustaining them for generations to come.

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 June 2014 as National Oceans Month. I call upon Americans to take action to protect, conserve, and restore our oceans, coasts, and Great Lakes.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth 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. 2014–13160
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