AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 79 Thursday,
No. 108 June 5, 2014

Pages 32433–32632

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 77 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 79, No. 108

Thursday, June 5, 2014

Agriculture Department
See Animal and Plant Health Inspection Service
See Commodity Credit Corporation
See Food Safety and Inspection Service
See Forest Service
NOTICES
Meetings:
Beginning Farmers and Ranchers Advisory Committee, 32528

Air Force Department
NOTICES
Intent to Grant an Exclusive Patent License:
Massachusetts Institute of Technology, 32537

Animal and Plant Health Inspection Service
RULES
Importation Authorizations:
Female Squash Flowers from Israel, 32433–32434
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis, 32529

Architectural and Transportation Barriers Compliance Board
NOTICES
Meetings:
Access Board, 32530

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Annual Survey of Manufactures, 32530–32532

Centers for Medicare & Medicaid Services
NOTICES
Privacy Act; Systems of Records, 32547–32550

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32550
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Low Income Home Energy Assistance Program Performance Measures, 32550–32552

Coast Guard
RULES
Safety Zones:
Allegheny River, Pittsburgh, PA, 32484–32486
Independence Day Fireworks, Kings Beach, CA, 32487
Milwaukee Harbor, Milwaukee, WI, 32486–32487
Monongahela River; Pittsburgh, PA, 32482–32484
NOTICES
Waterway Suitability Assessment for Liquefied Hazardous Gas Facilities:
Freeport, TX, 32565–32566

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See Industry and Security Bureau
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32530

Commodity Credit Corporation
RULES
Conservation Reserve Program, Transition Incentives Program; Continuation, 32435–32436

Defense Acquisition Regulations System
PROPOSED RULES
Defense Federal Acquisition Regulation Supplements:
Service Contract Reporting, 32522–32525

Defense Department
See Air Force Department
See Defense Acquisition Regulations System
NOTICES
Charter Renewals:
Department of Defense Federal Advisory Committees, 32535–32536
Meetings:
Federal Advisory Committee Independent Review Panel; Military Medical Construction Standards, 32536–32537

Drug Enforcement Administration
NOTICES
Controlled Substances:
2014 Established Aggregate Production Quotas for 10 Temporarily Controlled Synthetic Cathinones, 32573–32574

Education Department
RULES
Disability and Rehabilitation Research Projects and Centers Program:
National Institute on Disability and Rehabilitation Research; Rehabilitation Engineering Research Centers; Priorities, 32487–32490
NOTICES
Requests for Applications:
Awards for Fiscal Year 2014; National Institute on Disability and Rehabilitation Research—Rehabilitation Engineering Research Centers, 32537–32542

Energy Department
See Energy Efficiency and Renewable Energy Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32542

Energy Efficiency and Renewable Energy Office
NOTICES
Physical Characterizations:
Grid-Connected Commercial and Residential Buildings End-Use Equipment and Appliances, 32542–32543

Environmental Protection Agency
RULES
National Oil and Hazardous Substances Pollution Contingency Plan:
National Priorities List; Harbor Oil Superfund Site; Deletion, 32490–32491
PROPOSED RULES
Environmental Radiation Protection Standards for Nuclear Power Operations, 32521–32522
Managing Emissions:
Oil and Natural Gas Production in Indian Country, 32502–32521
NOTICES
Amendment of PeoplePlus, 32543–32546

Farm Credit Administration
NOTICES
Meetings; Sunshine Act, 32546

Federal Aviation Administration
RULES
Amendment of Class E Airspace:
Elkin, NC, 32441
Newnan, GA, 32440
PROPOSED RULES
Airworthiness Directives:
Pratt and Whitney Division Turbofan Engines, 32500–32502

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 32546

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Participation in the National Flood Insurance Program, 32566
Debt Collection Financial Statement, 32569
Exemption of State-Owned Properties under Self-Insurance Plan, 32568
Property Acquisition and Relocation for Open Space, 32566–32568

Federal Financial Institutions Examination Council
NOTICES
Meetings:
Appraisal Subcommittee, 32546

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32602–32605

Federal Motor Carrier Safety Administration
RULES
Guidance for Industry and Staff:
Motor Carrier Management Information System Changes to Improve Uniformity in Treatment of Inspection Violation Data, 32491–32496

Federal Reserve System
NOTICES
Changes in Bank Control:
Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction, 32547

Food and Drug Administration
RULES
Food and Drug Administration Safety and Innovation Act:
List of Qualifying Pathogens, 32464–32481
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Focus Groups as Used by the Food and Drug Administration, 32555–32556
General Administrative Procedures; Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions, 32552–32554
Prescription Drug Advertisements, 32554–32555
Temporary Marketing Permit Applications, 32556–32557

Food Safety and Inspection Service
RULES
Guidance for Industry and Staff:
Salmonella Verification Sampling Program; Analysis of Raw Beef for Shiga Toxin-Producing Escherichia coli and Salmonella, 32436–32440

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 32606–32607

Foreign-Trade Zones Board
NOTICES
Proposed Production Activities:
Flextronics America, LLC (Automated Data Processing Machines); Foreign-Trade Zone 183, Austin, TX, 32532–32533
ModusLink Global Solutions (Camera and Accessories Kitting); Foreign-Trade Zone 244, Riverside County, Riverside, CA, 32532

Forest Service
NOTICES
Requests for Nominations:
Uinta–Wasatch Cache Resource Advisory Committee; Corrections, 32529–32530

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Health Resources and Services Administration
NOTICES
Discretionary Grant Program, 32557–32558

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency
NOTICES
National Environmental Policy Act Implementing Procedures, 32563–32564

Housing and Urban Development Department
NOTICES
Meetings:
Manufactured Housing Consensus Committee; Teleconference, 32569–32570

Industry and Security Bureau
RULES
Additions of Certain Persons to the Entity List, 32441–32449
Conforming Changes to the Export Administration Regulations Based on Amendments to the International Traffic in Arms Regulations, 32612–32632

Interior Department
See National Park Service
See Ocean Energy Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Deepwater Horizon Oil Spill Final Programmatic and Phase III Early Restoration Plan, 32570–32572

Justice Department
See Drug Enforcement Administration
See Justice Programs Office
NOTICES
Settlements:
Settlement Agreements; Clean Air Act, 32573

Justice Programs Office
NOTICES
Meetings:
Advisory Committee of the Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence; Hearings, 32574–32575

Labor Department
See Mine Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines, 32575–32576

Mine Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazard Communication, 32576–32577

National Aeronautics and Space Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
National Environmental Policy Act; Mars 2020 Mission, 32577–32578

National Archives and Records Administration
NOTICES
Meetings:
Advisory Committee on the Records of Congress, 32578

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
National Council on the Arts, 32578

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 32560
National Cancer Institute, 32558
National Cancer Institute; Amendments, 32559
National Institute of Mental Health, 32559–32560

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Red Snapper in the Southern Atlantic States; 2014 Limited Commercial and Recreational Fishing Seasons, 32496–32497
South Atlantic Golden Tilefish; 2014 Recreational Accountability Measure and Closure, 32498–32499
South Atlantic Snowy Grouper; 2014 Recreational Accountability Measure and Closure, 32497–32498
Integrated Ocean Observing Systems:
Regulations to Certify and Integrate Regional Information Coordination Entities, 32449–32464
PROPOSED RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Chinook Salmon Bycatch Management in the Gulf of Alaska Non-Pollock Trawl Fishery; Amendment 97, 32525–32527
NOTICES
Meetings:
Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops, 32533–32534
New England Fishery Management Council; Correction, 32534–32535

National Park Service
NOTICES
Meetings:
Acadia National Park Advisory Commission, 32572

Nuclear Regulatory Commission
NOTICES
Embedded Digital Devices in Safety-Related Systems; Revisions, 32578–32579
Standard Review Plans:
License Applications for Fuel Cycle Facilities, 32579–32580
Standard Review Plans; Draft Revisions:
Open Phase Conditions in Electric Power System; Electric Power; Introduction, 32580–32582

Ocean Energy Management Bureau
NOTICES
Outer Continental Shelf Official Protraction Diagrams; Supplemental Official Outer Continental Shelf Block Diagrams, 32572–32573

Personnel Management Office
NOTICES
Meetings:
President's Commission on White House Fellowships Advisory Committee, 32582

Postal Service
RULES
Elimination of Business Reply Mail Parcels:
Deferral of Enforcement Date, 32490

Securities and Exchange Commission
NOTICES
Applications:
BMO Funds, Inc., et al., 32582–32586
Self-;Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 32594–32599
Depository Trust Co., 32599–32601
NASDAQ Stock Market LLC, 32586–32594

State Department
RULES
Visas:
Documentation of Immigrants under the Immigration and Nationality Act, 32481–32482
NOTICES
Presidential Permits:
Detroit River Pipeline Facilities; Plains LPG Services, L.P., 32601–32602

Substance Abuse and Mental Health Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32560–32563

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

Treasury Department
See Foreign Assets Control Office
NOTICES
List of Countries Requiring Cooperation with an International Boycott, 32605

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Conflicting Interests Certification for Proprietary Schools, 32607–32608
Information from Remarried Widow(er), 32608–32609
Insurance Surveys, 32609
Lenders Staff Appraisal Reviewer Application, 32608
Living Will and Durable Power of Attorney for Health Care, 32609–32610

Separate Parts In This Issue

Part II
Commerce Department, Industry and Security Bureau, 32612–32632

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
319 32433
1410 32435

9 CFR
310 32436

14 CFR
71 (2 documents) 32440, 32441

Proposed Rules:
39 32500

15 CFR
730 32441
736 32612
738 32612
740 32612
742 32612
744 (2 documents) 32441, 32612
746 32612
748 32612
750 32612
758 32612
762 32612
772 32612
774 32612
997 32449

21 CFR
317 32464

22 CFR
42 32481

33 CFR
165 (4 documents) 32482, 32484, 32486, 32487

34 CFR
Ch. III 32487

39 CFR
111 32490

40 CFR
300 32490

Proposed Rules:
49 32502
190 32521

48 CFR

Proposed Rules:
212 32522
237 32522
252 32522

49 CFR
383 32491
390 32491

50 CFR
622 (3 documents) 32496, 32497, 32498

Proposed Rules:
679 32525

Rules and Regulations

Federal Register

Vol. 79, No. 108

Thursday, June 5, 2014

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2012–0078]

RIN 0579–AD72

Importation of Female Squash Flowers From Israel Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the importation of fruits and vegetables to allow the importation of female squash flowers from Israel into the continental United States. As a condition of entry, female squash flowers from Israel will be subject to a systems approach that includes requirements for pest exclusion at the production site and fruit fly trapping and monitoring. The female squash flowers must also be accompanied by a phytosanitary certificate issued by the national plant protection organization of Israel with an additional declaration that the female squash flowers have been inspected and found free of quarantine pests. This action will allow for the importation of female squash flowers from Israel into the continental United States while continuing to provide protection against the introduction of quarantine pests.

DATES: *Effective* July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Mr. George Balady, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2240.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–67, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

On May 2, 2013, we published in the **Federal Register** (78 FR 25620–25623, Docket No. APHIS–2012–0078) a proposal [1] to amend the regulations by allowing the importation of female squash flowers from Israel into the continental United States under a systems approach that would include requirements for pest exclusion at the production site and fruit fly trapping and monitoring. The female squash flowers would also have to be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Israel with an additional declaration that the female squash flowers have been inspected and found free of quarantine pests.

We solicited comments concerning our proposal for 60 days ending July 1, 2013. We received two comments from members of the public by that date.

One commenter supported the proposed rule. One commenter opposed the proposed rule, citing no finding of a public benefit for importing female squash flowers, a potential slight decrease in the price of the commodity, and an additional cost to the U.S. Government for enforcing compliance with the regulation.

Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) has the authority to prohibit or restrict the importation of plants and plant products only when necessary to prevent the introduction into or dissemination of plant pests or noxious weeds within the United States. APHIS does not have the authority to restrict imports solely on the grounds of potential economic effects on domestic entities that could result from increased imports.

[1] To view the proposed rule, the pest risk analysis, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0078.*

The commenter expressed concern about the potential introduction of new pests resulting in reduced crop yields, fruit-fly-borne diseases, and increased economic and health costs associated with pesticide use. The commenter also mentioned the lack of provisions to compensate domestic farmers for the harm caused by the failure of importers of female squash flowers to comply with the proposed mitigation measures.

APHIS has determined that the measures outlined in the risk management document that accompanied the proposed rule are sufficient to mitigate the risk of pests being introduced into the United States as a result of the importation of female squash flowers from Israel. The commenter did not provide any evidence that the measures would not be effective. The NPPO of Israel and APHIS will collaborate to ensure that growers and importers comply with the proposed measures, as we do in other import programs.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 in this document for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

This final rule will amend the regulations to allow, under certain conditions, the importation of female squash flowers (*Cucurbita pepo* L.) from Israel into the continental United States. Squash flowers have gained in popularity as an elegant way to garnish dishes, desserts, and salads, and as an ingredient in other dishes. Marketing of commercially grown edible flowers is typically directed to clientele at upscale restaurants.

Farms that solely produce squash flowers are rare. The blossoms are

typically a by-product of squash fruit production. Squash is commercially produced throughout the United States, but principally in Michigan, California, Florida, and Georgia.

The Small Business Administration's small-entity standard for U.S farms that produce squash is annual receipts of not more than $750,000. In 2007, the average market value of sales by the 11,821 U.S farms that produced squash was about $17,222, well below the small-entity standard. We infer that by far most farms producing squash, including farms producing squash flowers, are small entities.

Israel is expecting to export 10 metric tons of fresh female squash flowers annually to the United States. We do not know the quantity or value of female squash flower production in the United States, or the quantity or value of female squash flowers imported from other countries. Without basic production and trade information, we are unable to evaluate potential impacts of this final rule.

Executive Order 12988

This final rule allows fresh female squash flowers to be imported into the United States from Israel. State and local laws and regulations regarding female squash flowers imported under this rule will be preempted while the fruit is in foreign commerce. Fresh vegetables are generally imported for immediate distribution and sale to the consuming public, and remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this final rule, which were filed under 0579–0406, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–68 is added to read as follows:

§ 319.56–68 Female squash flowers from Israel.

Female squash flowers (*Cucurbita pepo* L.) may be imported into the continental United States from Israel only in accordance with this section and other applicable provisions of this subpart. These conditions are designed to prevent the introduction of the following quarantine pests: *Ceratitis capitata, Dacus ciliatus, Helicoverpa armigera,* and *Scirtothrips dorsalis.*

(a) *Production site requirements.* (1) Production sites in which the female squash flowers are produced must be registered with the national plant protection organization (NPPO) of Israel. Initial approval of production sites must be completed jointly by the NPPO of Israel and APHIS.

(2) The NPPO of Israel must visit and inspect the production sites. APHIS may monitor the production sites if necessary.

(3) Production sites must be inside pest-exclusionary structures (PES). The PES must have self-closing double doors. All openings, including vents, to the outside of the PES must be covered by screening with mesh openings of not more than 1.6 mm.

(b) *Mitigation measures for fruit flies (C. capitata and D. ciliatus).* (1) The NPPO of Israel must set and maintain fruit fly traps with an APHIS-approved bait at a rate of one trap per hectare, with a minimum of one trap in each PES and one outside the entrance of each PES. The NPPO of Israel must check the traps every 7 days and maintain records of trap placement, trap maintenance, and captures of any fruit flies of concern. The NPPO must maintain trapping records and make the records available to APHIS upon request.

(2) Capture of a single fruit fly of concern inside a production site will immediately result in cancellation of exports to the United States from that production site. The detection of a fruit fly of concern in a consignment at the port of entry that is traced back to a production site will also result in immediate cancellation of exports to the United States from that production site. In both cases, exports from the production site in question may not resume until APHIS and the NPPO of Israel have mutually determined that the risk has been properly mitigated.

(c) *Packinghouse requirements.* While in use for exporting female squash flowers to the United States, the packinghouses may only accept flowers from registered production sites.

(d) *Post-harvest procedures.* Before being removed from the PES, harvested female squash flowers must be placed in field cartons or containers that are marked to show the official registration number of the production site. The place of production where the flowers were grown must remain identifiable from the time when the blossoms leave the production site, to the packinghouse, and through the export process.

(e) *Commercial consignments.* The female squash flowers may be imported in commercial consignments only.

(f) *Phytosanitary certificate.* Each consignment must be accompanied by a phytosanitary certificate issued by the NPPO of Israel with an additional declaration stating that the consignment has been inspected and found free of *Ceratitis capitata, Dacus ciliatus, Helicoverpa armigera,* and *Scirtothrips dorsalis.*

(Approved by the Office of Management and Budget under control number 0579–0406)

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–13007 Filed 6–4–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1410

Continuation of Conservation Reserve Program, Including Transition Incentives Program

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Extension of authorization.

SUMMARY: The Agricultural Act of 2014 (the 2014 Farm Bill) extends the authorization of the Conservation Reserve Program (CRP), a Commodity Credit Corporation (CCC) program administered by the Farm Service Agency (FSA), through September 30, 2018. This document announces to producers the continuation of CRP Continuous sign-up, with revised cropping history requirements as specified in the 2014 Farm Bill. This document also announces the opportunity for producers of certain CRP contracts to terminate the contract early (referred to as ''early-outs''). The 2014 Farm Bill also continues, with modifications, the CRP Transition Incentives Program (TIP). In this document FSA also announces an opportunity for participants to extend eligible CRP contracts currently scheduled to expire on September 30, 2014, for one additional year. CRP, including TIP, will continue to be implemented under the existing regulations, except as specified in this document; this document will be followed by amendments to the applicable regulations to implement changes required by the 2014 Farm Bill after the completion of the appropriate National Environmental Policy Act (NEPA) analysis.

DATES: *Effective Date:* June 5, 2014.

FOR FURTHER INFORMATION CONTACT: Beverly J. Preston; telephone: (202) 720–9563. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Overview

The 2014 Farm Bill (Pub. L. 113–79) authorizes the continuation of CRP, including TIP. In general, FSA will continue to implement CRP Continuous sign-up and TIP under the provisions of existing regulations, but this implementation will also include changes to the program required by the 2014 Farm Bill, such as a change in the cropping history required for eligibility. FSA, using its discretionary authority, will offer the opportunity for 1-year extensions to producers for certain existing contracts; FSA will also, as required by the 2014 Farm Bill, allow early outs for certain existing contracts. The 2014 Farm Bill reauthorized CRP through September 30, 2018.

FSA is completing the appropriate NEPA (42 U.S.C. 4321–4347) analysis. FSA will update regulations, software, forms, and handbooks to implement all the changes required by the 2014 Farm Bill. FSA is also updating CRP Fact Sheets and will conduct extensive outreach to ensure that producers are aware of sign-up periods and application requirements. Details of sign-up periods and additional changes to CRP will be announced in separate press releases.

CRP Continuous Sign-up

As specified in the 2014 Farm Bill and in the existing regulations, FSA offers CRP continuous sign-up for environmentally sensitive land that is devoted to high priority conservation practices. Continuous sign-up will continue as specified in the existing regulations in 7 CFR part 1410, but will reflect a change to the cropping history requirement as specified in the 2014 Farm Bill.

In general, for cropland to be eligible for enrollment in CRP a cropping history for such cropland is required. The 2014 Farm Bill requires that to be eligible for enrollment in CRP, cropland must have a cropping history or otherwise be considered planted for 4 of the 6 years preceding February 7, 2014, the date of enactment of the 2014 Farm Bill. Therefore, beginning June 5, 2014, for cropland to be eligible for CRP continuous sign-up, the cropland must have a cropping history, or be considered to have been planted, for at least 4 years during 2008 through 2013.

TIP

TIP provides financial incentives for retired or retiring owners or operators to transition land enrolled in CRP to beginning or socially disadvantaged farmers or ranchers for the purpose of returning some or all of the land into production, using sustainable grazing or crop production methods in compliance with the required conservation plan. If approved for TIP, the retired or retiring owner or operator will receive CRP payments for an additional 2 years after the CRP contract expires.

The 2014 Farm Bill reauthorized TIP with minor administrative changes. Specifically, the 2014 Farm Bill now allows the retired or retiring owner or operator who transfers the land to a veteran farmer or rancher to be eligible for TIP. Section 2006(b) of the 2014 Farm Bill refers to the definition of ''veteran farmer or rancher'' in 7 U.S.C. 2279(e): A farmer or rancher who has served in the Armed Forces, as defined in 38 U.S.C. 101(10), and who either has not operated a farm or ranch, or has operated a farm or ranch for not more than 10 years. This effectively means that to be eligible for TIP, the veteran farmer or rancher must also meet the existing definition of a beginning farmer or rancher (found in 7 CFR 1410.2). Consequently, this change does not increase the pool of eligible participants in TIP.

The 2014 Farm Bill authorizes $33 million total for fiscal years 2014 through 2018 to carry out TIP. This was an increase from the $25 million authorized under the 2008 Farm Bill. CCC will restart TIP, subject to this funding limit, and begin an outreach effort about TIP to eligible veteran farmers and ranchers, as well as beginning and socially disadvantaged farmers and ranchers.

CRP 1-Year Extension of Existing Contracts

CRP contracts covering about 1.8 million acres of general sign-up land are scheduled to expire on September 30, 2014. No CRP general sign-up is scheduled for FY 2014. This document announces that FSA will provide an opportunity for a 1-year extension of CRP contracts scheduled to expire September 30, 2014, that were also originally enrolled under a previous CRP general sign-up and have a CRP contract length of 14 years or less. CRP participants may elect to extend the contract for all or a portion of the land enrolled under the expiring CRP contract. CRP participants that choose to extend CRP contracts for 1 year will be required to file a CRP contract modification to extend the contract expiration. All terms and conditions of current CRP contracts will apply to the contract extension. This 1-year extension opportunity will be available from June 5, 2014, through August 8, 2014. This extension is discretionary and is not required by the 2014 Farm Bill.

CRP Early-Outs for Certain Existing CRP Contracts

Section 2006(a) of the 2014 Farm Bill requires the Secretary to offer producers the opportunity for early termination—''early-outs''—of certain CRP contracts during FY 2015, if those contracts have been in effect for at least 5 years. However, not all CRP contracts will be

eligible for early-out even if they meet the 5 years requirement; the 2014 Farm Bill specifies that the following types of land will not be eligible for early-out:

- Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts;
- Land with an erodibility index of more than 15;
- Land devoted to hardwood trees;
- Wildlife habitat, duck nesting habitat, pollinator habitat, upland bird habitat buffer, wildlife food plots, State acres for wildlife enhancement, shallow water areas for wildlife, and rare and declining habitat;
- Farmable wetland and restored wetland;
- Land that contains diversions, erosion control structures, flood control structures, contour grass strips, living snow fences, salinity reducing vegetation, cross wind trap strips, and sediment retention structures;
- Land located within a federally designated wellhead protection area;
- Land that is covered by an easement under CRP;
- Land located within an average width, according to the applicable Natural Resources Conservation Service field office technical guide, of a perennial stream or permanent water body; and
- Land enrolled under the conservation reserve enhancement program.

The producer may request the early-out, and it will be effective upon approval by the FSA County Office Committee. The start and end dates for requesting the early-out will be determined by the Deputy Administrator for Farm Programs and will be announced later by a news release.

The 2014 Farm Bill did not change the following provisions for prorated rental payment, renewed enrollment, conservation requirements, and liability for contract violation:

If an early-out terminates a CRP contract before the end of the fiscal year for which a CRP rental payment is due, FSA will provide a prorated rental payment covering the portion of the fiscal year during which the CRP contract was in effect.

An early-out will not affect the ability of the owner or operator that requested the early-out to submit a subsequent bid to enroll the land that was subject to the CRP contract into CRP.

If the producer returns land that was subject to a CRP contract to production of an agricultural commodity, the conservation requirements for highly erodible land conservation and wetland conservation under 7 CFR part 12 and 16 U.S.C. Chapter 58, subchapters II and III, will apply.

The early-out does not relieve the producer of liability for a contract violation occurring before the date of the contract termination.

Environmental Review

FSA is currently analyzing discretionary changes to CRP authorized by the provisions of the 2014 Farm Bill by preparing a Supplemental Programmatic Environmental Impact Statement (SPEIS), as was announced in a separate notice in the **Federal Register** on November 29, 2013 (78 FR 71561–71562). However, FSA has determined, in accordance with 7 CFR 799.9(d), ''Ensuring That Environmental Factors are Considered in Agency Decisionmaking,'' and 40 CFR parts 1500–1508 (the NEPA implementing the regulations of the Council on Environmental Quality) that the continuation of continuous CRP, the restarting of CRP TIP, and a 1-year contract extension for certain expiring CRP contract holders consistent with the current implementing regulations, will not significantly affect the quality of the human environment. Therefore, no environmental assessment or environmental impact statement will be prepared on these specific program provisions as specified in this document.

Signed on June 2, 2014.

Juan M. Garcia,

Executive Vice President, Commodity Credit Corporation, and Administrator, Farm Service Agency.

[FR Doc. 2014–13085 Filed 6–4–14; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. FSIS–2012–0038]

Changes to Salmonella Verification Sampling Program: Analysis of Raw Beef for Shiga Toxin-Producing Escherichia coli and Salmonella

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Response to comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) is responding to comments on an August 28, 2013, **Federal Register** document, ''Changes to *Salmonella* Verification Sampling Program: Analysis of Raw Beef for Shiga Toxin-Producing *Escherichia coli* and *Salmonella''* and announcing its plans to begin analyzing for *Salmonella* all beef product it analyzes for Shiga toxin-producing *Escherichia coli* (STEC). After reviewing the comments received on the August 2013 document, FSIS is affirming the plans for addressing *Salmonella* in raw beef products that it announced in that document and will proceed with implementing those plans.

DATES: On June 29, 2014, FSIS will discontinue *Salmonella* sampling set procedures (''HC01'') in ground beef products, except in establishments with results that exceeded the standard for *Salmonella* in that establishment's most recently completed set (*i.e.,* in those establishments in Category 3). At the same time, FSIS will begin analyzing for *Salmonella* all raw beef samples it collects for STEC analysis and will increase the raw ground beef sample portion for *Salmonella* analysis from 25 grams to 325 grams.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2013, FSIS published in the **Federal Register** a document announcing changes that it intended to make in its *Salmonella* sampling program for raw beef products (78 FR 53017). The Agency requested comment on these changes, with the aim of assessing whether it should alter any of its plans on the basis of the information or data it received.

FSIS announced that it would begin analyzing for *Salmonella* all samples of raw ground beef, beef manufacturing trimmings, bench trim, and other raw ground beef components that it collects for STEC testing, including raw ground beef products FSIS samples at retail stores and ground beef, trim, and other raw ground beef components FSIS samples at import establishments. FSIS also explained that when it begins analyzing for *Salmonella* the product collected for STEC analysis, the Agency will also begin analyzing for *Salmonella* the follow-up samples it collects in response to STEC positive results. FSIS further explained that it is not making any changes to the STEC sampling and testing programs at this time.

FSIS announced that, once the ''co-analysis'' begins, it would increase the raw ground beef sample portion for *Salmonella* analysis from 25 grams to 325 grams. FSIS explained that to support an increase in the sample size analyzed, FSIS evaluated the FSIS

Salmonella detection method (FSIS Microbiology Laboratory Guidebook Chapter 4.06) using 325 gram samples. Based on this analysis, FSIS expects the increase in the analytical portion size to have at least the same, but likely more of a positive, impact on public health because the likelihood of detecting positive samples increases with the analytical portion size.

FSIS described how it intends to use results generated from its raw ground beef (MT43) and beef manufacturing trimming (MT60) verification sampling programs to estimate the *Salmonella* prevalence in those products and to develop a new *Salmonella* performance standard for ground beef product. FSIS explained that the low incidence of *Salmonella* on beef manufacturing trimmings does not support development of a *Salmonella* performance standard for those trimmings. FSIS also explained that, because of the limited number of available samples scheduled and collected, the Agency does not believe it is possible to estimate prevalence for *Salmonella* in raw ground beef components other than beef manufacturing trimmings (such as bench trim).

FSIS explained that it intends to develop a new performance standard that will likely lead establishments producing ground beef to strengthen their own *Salmonella* control measures. Such changes at establishments will likely have a positive impact on public health.

FSIS also announced that it intends to enumerate samples that confirm *Salmonella*-positive using the Most Probable Number (MPN) quantitative procedure, and that it will continue to evaluate *Salmonella* isolates from the screen-positive samples for multi-drug resistance, to serotype the samples, and to use pulsed-field gel electrophoresis (PFGE) to identify specific strains of *Salmonella.* FSIS explained that, through this analysis, FSIS will determine whether Agency-positive *Salmonella* results are associated with illnesses or serotypes of human health significance. If FSIS finds that establishments have produced product associated with illness, FSIS will typically conduct an Incident Investigation Team Review or Food Safety Assessment at the establishment.

FSIS also announced in the same document that, except for establishments with results that exceeded the standard for *Salmonella* in that establishment's most recently completed set (i.e., those establishments in category 3), it would discontinue *Salmonella* sampling sets for ground beef products at least until it establishes a revised *Salmonella* performance standard for ground beef. FSIS explained that, when collecting samples for a *Salmonella* set, FSIS inspection program personnel submit the samples to FSIS laboratories for analysis over a defined number of sequential days of production to complete the sample set.

FSIS stated that it would consider alternatives to set-based testing for *Salmonella,* including a ''moving window'' approach to process control, to be put into effect when the revised performance standard is implemented. FSIS explained that under a ''moving window'' approach, the Agency would evaluate a certain number of sequential results from a single establishment to assess process control. For example, if the Agency chose to evaluate 20 results under the ''moving window'' approach, it would assess the most recent 20 FSIS results for a particular establishment. FSIS explained that this new approach would allow for on-going scheduled *Salmonella* sampling, similar to the approach FSIS uses for STEC testing, and would provide FSIS with more flexibility for scheduling sample collection at different establishments. The Agency requested comment on the ''moving window'' approach.

In addition, FSIS explained that it is considering implementing new sampling of product classes not subject to the Agency's sampling and testing for *Salmonella.* The Agency stated that it was considering sampling and testing for *Salmonella* in pork trim, pork parts, ground pork, chicken parts, and lamb carcasses.

FSIS explained that the changes that it announced to its *Salmonella* sampling procedures would permit it to analyze more samples at the same time at lower cost to the Agency than does the current method. Through this new approach, FSIS will be able to analyze for *Salmonella* beef manufacturing trimmings and other raw ground beef components at slaughter establishments. Sampling these products will provide FSIS more information about *Salmonella* at these establishments than FSIS was able to gather through carcass testing.

The final rule ''Pathogen Reduction; Hazard Analysis and Critical Control Point (PR/HACCP) Systems,'' which FSIS published on July 25, 1996 (61 FR 38805–38989; *http://www.fsis.usda.gov/OPPDE/rdad/FRPubs/93-016F.pdf*), set *Salmonella* performance standards for establishments producing selected classes of raw meat products, including ground beef, steers and heifers, and cows and bulls (9 CFR 310.25(b)). In 2011, FSIS stopped sampling and testing for *Salmonella* in steers and heifers and cows and bulls because percent positive findings were very low (less than one percent), and this carcass sampling was expensive for the Agency.

After carefully considering all comments received, FSIS has determined that no changes are needed in the plans it announced in the August 2013 **Federal Register** document. Thus, on June 29, 2014, FSIS will discontinue *Salmonella* sampling set procedures in ground beef products (''HC01''), except in those establishments in Category 3. At the same time, FSIS will begin analyzing for *Salmonella* all raw beef samples it collects for STEC analysis and will increase the raw ground beef sample portion for *Salmonella* analysis from 25 grams to 325 grams.

Also, consistent with what the Agency announced in the August 2013 **Federal Register** document, FSIS intends to use the results from its verification sampling program to estimate *Salmonella* prevalence in raw ground beef and beef manufacturing trimmings and to develop a new *Salmonella* performance standard for ground beef product. FSIS will announce any new standard in the **Federal Register** and request comment on it before implementing it. FSIS intends to develop and propose the new standard next fiscal year.

In addition, FSIS announced its *Salmonella* Action Plan on December 4, 2013.[1] According to the plan, FSIS intends to complete a risk assessment and develop *Salmonella* performance standards for comminuted poultry and poultry parts this fiscal year and performance standards and, if needed, sampling programs for hog carcasses and pork products next fiscal year.

The following is a summary of the relevant comments received and FSIS's responses.

Summary of Comments and Responses

FSIS received ten comments in response to the August 2013 **Federal Register** document. The comments were from trade associations, private citizens, consumer advocacy associations, including a joint submission from two consumer advocacy organizations, a large meat processor, and a foreign government.

A. General Support for the Proposed Changes

Comments: Most of the comments supported the proposed changes to procedures for *Salmonella* verification

[1] *http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/foodborne-illness-and-disease/salmonella/sap.*

sampling and testing of raw beef products because the changes will improve Agency efficiencies. In addition, several comments supported the Agency's intent to estimate *Salmonella* prevalence in raw beef products, to serotype or enumerate positive samples, to identify specific strains of *Salmonella,* and to develop a new *Salmonella* performance standard for ground beef.

B. General Opposition to Verification Sampling and Testing of Raw Beef Products

Comment: One private citizen opposed FSIS verification sampling and testing for *Salmonella* in raw beef products because of recent research suggesting that *Salmonella* may naturally occur in the lymph nodes of cattle. According to the commenter, this detail makes it impossible for establishments to completely eliminate *Salmonella* from any raw beef product. The commenter recommended that, rather than focusing on verification sampling at the establishment, FSIS focus its resources on researching pre-harvest controls for *Salmonella* in cattle and educating consumers on how to properly handle and cook raw beef products.

Response: FSIS collects samples of meat and poultry products from an establishment for pathogen testing to verify whether the establishment is effectively addressing the pathogen. When FSIS collects product for *Salmonella* analysis as part of a set, FSIS verifies whether the establishment is maintaining process control in slaughter or certain processing operations. FSIS uses the results of these and other verification tasks to guide policy development and focus Agency resources on those activities that will best protect public health.

In May 2010, FSIS issued guidance to beef slaughter establishments on pre-harvest management controls for reducing *Escherichia coli* (*E. coli*) O157:H7 shedding in beef cattle.[2] FSIS is updating this guidance to include other STEC and intends to make the updated guidance available to the establishments soon. Similarly, in November 2011, FSIS met with stakeholders to discuss pre-harvest pathogen control strategies for reducing prevalence of STEC and of *Salmonella* in and on cattle (76 FR 63901; Oct. 14, 2011). In addition, FSIS conducts multiple consumer education campaigns to inform the American public of the proper methods for handling and cooking meat and poultry, so that any potential food-safety hazard is reduced to a minimum.[3]

Comment: A large meat processor generally opposed FSIS verification sampling and testing of portioned fine and coarse ground beef products that are ground at a primary establishment and subsequently portioned at a second establishment because sampling and testing of product from the second establishment is potentially duplicative.

Response: FSIS collects samples of ground product at establishments that grind product or form patties. FSIS does not collect samples of ground beef products for *E. coli* O157:H7 (or other STEC) analysis at establishments that only pack or portion and do not grind or form patties. When FSIS begins analyzing all raw beef samples collected for STEC analysis for *Salmonella,* FSIS would also analyze any raw ground beef product samples (e.g., formed raw beef patties) collected for *E. coli* O157:H7 for *Salmonella.*

C. Larger Analytical Sample Portion

Comment: Two trade associations requested additional information on the protocol for obtaining the larger 325-gram analytical portion used for *Salmonella* testing.

Response: FSIS inspection program personnel will continue to collect samples of raw beef products for FSIS verification testing using the collection protocols outlined in FSIS Directive 10,010.1[4] and associated FSIS Notices. FSIS has determined that the amount of product inspectors currently collect (about 2 lb or 907 g) will provide the FSIS laboratories with sufficient product to analyze the samples using the larger analytical portion (325 g) for both *Salmonella* and STEC.

Comment: A trade association and a large meat processor requested that the Agency consider and make note of the larger portion for *Salmonella* analysis when reporting program results because the larger analytical portion will likely yield more positive results.

Response: When FSIS begins posting on its Web page the results obtained using the larger analytical portion, FSIS will note that the results are from samples it analyzed using the larger portion size. In addition, the Agency will report periodically to each establishment whose product the Agency collects the establishment's test results compared with industry-wide results. FSIS will also post aggregate results of this testing as part of its quarterly report on *Salmonella.*

Comment: Another trade association suggested that FSIS evaluate whether increasing the analytical portion from 25 to 325 grams increases the likelihood of detecting *Salmonella* positive samples.

Response: As noted above, based on the analysis discussed in the 2013 **Federal Register** document, FSIS expects the increase in the analytical portion size to have at least the same, but likely more of a positive impact on public health because the likelihood of detecting positive samples increases with the analytical portion size.

Comment: One trade association noted that many of its members supply raw beef products to the Agricultural Marketing Service (AMS) for various Federal food and nutrition assistance programs. The association asked FSIS to coordinate with AMS on related sampling protocol requirements to ensure a seamless transition.

Response: FSIS has notified AMS of its intent to make changes in its *Salmonella* verification sampling program for raw beef products.

D. Estimating Prevalence

Comment: The consumer group joint submission stated that FSIS failed to address two critical statistical requirements when estimating prevalence of *Salmonella* in ground beef: the sampling must be representative of population and the sampling must provide desired precision.

Response: The statistical sampling design for FSIS's raw ground beef verification sampling program is detailed in the Report on the Food Safety and Inspection Service's Microbiological and Residue Sampling Programs (FSIS, 2011).[5] The sampling design is volume-weighted (i.e., probability is proportional to sample size) to provide for sampling that is representative of national production volume.

In 2012, FSIS determined that its MT43 sampling program is sufficiently representative and provides the needed precision to compute prevalence of *E. coli* O157:H7 in raw ground beef.[6] Moreover, FSIS expects that *Salmonella* will occur in raw beef products at a rate

[2] Available at *http://www.fsis.usda.gov/wps/wcm/connect/d5314cc7-1ef7-4586-bca2-f2ed86d9532f/Reducing_Ecoli_Shedding_In_Cattle_0510.pdf?MOD=AJPERES.*

[3] See *http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education.*

[4] Available at *http://www.fsis.usda.gov/wps/wcm/connect/c100dd64-e2e7-408a-8b27-ebb378959071/10010.1Rev3.pdf?MOD=AJPERES.*

[5] Available at *http://www.fsis.usda.gov/wps/wcm/connect/0816b926-c7ee-4c24-9222-34ac674ec047/FSIS_Sampling_Programs_Report.pdf?MOD=AJPERES.*

[6] Available at *http://www.fsis.usda.gov/wps/wcm/connect/56b2ccbd-ad57-4311-b6df-289822d28115/Prevalence_Estimates_Report.pdf?MOD=AJPERES.*

higher than that for *E. coli* in raw ground beef. For these reasons, FSIS's ground beef verification sampling program will adequately support the development of an estimate of the prevalence of *Salmonella* in raw beef products.

E. Risk Assessment

Comment: A trade association requested that FSIS also conduct a risk assessment that addresses the risk that *Salmonella* presents in pork, chicken, turkey, and ready-to-eat products.

Response: As previously stated, FSIS intends to complete a risk assessment for *Salmonella* in comminuted poultry and poultry parts this fiscal year. FSIS will develop additional risk assessments concerning *Salmonella* and other products as necessary, for example, should FSIS decide to evaluate whether to propose performance standards for additional products.

F. Development of a Salmonella Performance Standard

Comment: Because beef products have the greatest seasonal variation among the products subject to FSIS verification sampling and testing, several industry trade associations and a large meat processor asked that FSIS ensure it has data from at least a 12-month period before conducting the risk assessment and developing a performance standard.

Response: As the new ground beef data are collected, FSIS will evaluate the suitability of those data for use in performance standard development. It should be noted, however, that the current ground beef performance standard was developed using approximately 7 months of data.[7]

G. ''Moving Window'' Approach

Comment: Several comments requested a more detailed explanation of how the ''moving window'' approach will work. More specifically, the joint submission requested additional information on how big the window would be, how often the Agency would sample product at a single establishment, and the Agency's analytical capacity to adequately take such an approach. An industry trade association requested that FSIS develop a written protocol for this approach and make the protocol available for review and comment prior to implementation.

Response: As explained in the August 2013 **Federal Register** document, FSIS intends to take a ''moving window'' approach when scheduling sampling and evaluating results generated by its *Salmonella* verification testing program for ground beef products under a new performance standard. With a ''moving window'' approach, FSIS will evaluate a predetermined number of sequential results for ground beef product from a single establishment to assess process control. The size of the moving window and the threshold for positives within that window will be included in the performance standard developed. At the same time it announces the new performance standard for raw ground beef, FSIS will detail its plans for the new approach in the **Federal Register** and consider any comments received on it prior to implementation. FSIS is considering using this approach for all *Salmonella* performance standards and will provide more explanation of how the approach will work for all classes of product.

Comment: Several trade associations requested clarification on how the Agency will respond with follow-up sampling in the event of a positive *Salmonella* result when the sample is negative for STEC.

Response: As FSIS explained in the 2013 **Federal Register** document, because FSIS does not typically consider *Salmonella* an adulterant in raw beef, when FSIS begins analyzing samples collected for STEC analysis for *Salmonella,* FSIS will not routinely conduct follow-up sampling in response to a single positive *Salmonella* result. However, if FSIS *Salmonella* testing data from an establishment show a high number of positives, high levels of *Salmonella* for each positive, or serotypes of human health significance, FSIS may perform follow-up testing or conduct a for-cause Food Safety Assessment that includes follow-up testing or take other appropriate actions, such as additional sanitary dressing verification procedures, at the establishment that produced the product.

H. Import Inspection

Comment: A foreign government requested clarification on regulatory control actions the Agency will take when raw beef product imported into the United States is sampled by FSIS at the port of entry and tests positive for *Salmonella.*

Response: As stated above, *Salmonella* is not an adulterant in raw meat products. Therefore, a positive test result for *Salmonella* in imported raw beef product sampled by FSIS import inspection personnel would not result in regulatory control actions at port-of-entry.

FSIS does not collect imported raw products for *Salmonella* analysis. FSIS stated that it intended to begin testing for *Salmonella* imported raw beef products it samples for STEC in the August 2013 **Federal Register** document. On June 29, 2014, FSIS will begin analyzing for *Salmonella* all imported raw beef samples it collects for STEC analysis. FSIS will post aggregate results of this testing on the FSIS Web site as part of its quarterly report on *Salmonella.* In addition, FSIS will use enumeration and serotype data of this testing to identify trends within the sampling data, to determine whether an isolate has a historical association with human illness, and to identify clusters of patterns.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this document online through the FSIS Web page located at *http://www.fsis.usda.gov/federal-register.*

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to

[7] Available at *http://www.fsis.usda.gov/wps/wcm/connect/317ae862-1980-4c87-9bea-85bf4491b420/rwgrbeef.pdf?MOD=AJPERES.*

selected food safety news and information. This service is available at *http://www.fsis.usda.gov/subscribe*. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on June 2, 2014.

Alfred V. Almanza,

Administrator.

[FR Doc. 2014–13064 Filed 6–4–14; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0097; Airspace Docket No. 14–ASO–4]

Amendment of Class E Airspace; Newnan, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Newnan, GA, as new Standard Instrument Approach Procedures have been developed at Newnan Coweta County Airport. This enhances the safety and management of aircraft operations at the airport. This action also updates the geographic coordinates of airport.

DATES: Effective 0901 UTC, July, 24, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On March 18, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at, Newnan Coweta County Airport, Newnan, GA. (79 FR 15065). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface at Newnan Coweta County Airport, Newnan, GA. A segment is added from the 6.5-mile radius of the airport to 14 miles southeast of the airport to support new Standard Instrument Approach Procedures, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport also are adjusted to be in concert with FAA's aeronautical database.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Newnan Coweta County Airport, Newnan, GA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Newnan, GA [Amended]

Newnan Coweta County Airport, GA
(Lat. 33°18′42″ N., long. 84°46′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newnan Coweta County Airport, and within 2 miles each side of the 140° bearing from the airport, extending from the 6.5-mile radius to14 miles southeast of the airport.

Issued in College Park, Georgia, on May 21, 2014.

Myron A. Jenkins,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–12675 Filed 6–4–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0046; Airspace Docket No. 14–ASO–1]

Amendment of Class E Airspace; Elkin, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E Airspace at Elkin, NC, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) serving Elkin Municipal Airport. This enhances the safety and management of aircraft operations at the airport. This action also updates the geographic coordinates of airport.

DATES: Effective 0901 UTC, July 24, 2014. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

History

On March 18, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Elkin Municipal Airport, Elkin, NC, (79 FR 15067). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9X dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Elkin Municipal Airport, Elkin, NC. Airspace reconfiguration is necessary due to the development of the RNAV (GPS) RWY 7 approach and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport also are adjusted to be in concert with FAA's aeronautical database.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Elkin Municipal Airport, Elkin, NC.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, effective September 15, 2013, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO NC E5 Elkin, NC [Amended]

Elkin Municipal Airport, NC
(Lat. 36°14′48″ N., long. 80°47′10″ W.)

That airspace extending upward from 700 feet above the surface within a 9.3-mile radius of Elkin Municipal Airport.

Issued in College Park, Georgia, on May 21, 2014.

Myron A. Jenkins,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2014–12686 Filed 6–4–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 730 and 744

[Docket No. 130103004–4458–01]

RIN 0694–AF86

Addition of Certain Persons to the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations (EAR) by adding twenty-six persons under thirty-one entries to the Entity List (Supplement No. 4 to Part 744). The persons who are added to the Entity List have been determined by the U.S. Government to be acting contrary to the national security or foreign policy

interests of the United States. These persons will be listed on the Entity List under the destinations of China, Hong Kong, Lebanon and the United Arab Emirates (U.A.E.). There are thirty-one entries for twenty-six persons because five persons are listed under multiple countries, resulting in the additional five entries. Specifically, those five additional entries cover two persons in Lebanon who also have addresses in the U.A.E., and three persons in Hong Kong who also have addresses in China.

In addition to the Entity List changes described above, this final rule updates the authority for part 730 (15 CFR part 730) because of the publication of the Notice of May 7, 2014, *Continuation of the National Emergency With Respect to the Actions of the Government of Syria,* which resulted in a change to the legal authority for part 730 of the EAR.

DATES: *Effective Date:* This rule is effective June 5, 2014.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List notifies the public about entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests, including terrorism and export control violations involving abuse of human rights. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) of the EAR.

The End-user Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote.

ERC Entity List Decisions

Additions to the Entity List

This rule implements the decision of the ERC to add twenty-six persons under thirty-one entries to the Entity List on the basis of § 744.11 (License requirements that apply to entities acting contrary to the national security or foreign policy interests of the United States) of the EAR. The thirty-one entries added to the Entity List consist of three entries in China, seven entries in Hong Kong, six entries in Lebanon, and fifteen in the U.A.E.

The ERC reviewed § 744.11(b) (Criteria for revising the Entity List) in making the determination to add these twenty-six persons to the Entity List. Under that paragraph, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States, and those acting on behalf of such persons, may be added to the Entity List. Paragraphs (b)(1) through (b)(5) of § 744.11 include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

The twenty-six persons being added have been determined by the ERC to be involved in activities that are contrary to the national security or foreign policy interests of the United States, specifically the activities described under paragraphs (b)(1), (b)(2) and/or (b)(4) of § 744.11.

The ERC has determined that two persons being added to the Entity List under the destination of Hong Kong have been involved in activities contrary to the national security and foreign policy interests of the United States, specifically the activities described under paragraph (b)(4)(Preventing Accomplishment of an End-Use Check) of § 744.11 of the EAR. The ERC has reasonable cause to believe that Sinovac Technology Limited and Bing Lu have been involved in the reexport of sensitive U.S.-origin items to unauthorized end-users and have prevented the accomplishment of an end-use check by or on behalf of BIS.

The ERC also determined that the following nineteen persons being added to the Entity List under the destinations of Lebanon and the U.A.E. have been involved in activities contrary to the national security and foreign policy interests of the United States, specifically the activities described under paragraph (b)(1)(Supporting persons engaged in acts of terror) of § 744.11 of the EAR. The ERC has reasonable cause to believe that Lebanon-based New Intelcom, Power S.A.L., Zener Lebanon, and Wave Tech, as well as U.A.E.-based Wave Tech Computers, Wave Tech Group, Source Com, al Tawasul al Arabi Net Systems, Zener Marine, Zener Navcom, Zener One Net, Zener Electrical & Electronics, Zener Electronics Services, Ivan Desouza, Girish Purushothama, Taha Mansur and Ahmad Assad Fa'ur, as well as al Ajwa al Tiqniah, and Husayn Fa'ur have attempted to procure U.S. technology on behalf of persons involved in activities contrary to the national security and foreign policy interests of the United States. Specifically, these persons have been involved in supplying U.S.-origin items to persons designated by the Secretary of State as Foreign Terrorist Organizations without the required authorizations. Two of the persons, al Ajwa al Tiqniah and Husayn Fa'ur, are being listed under addresses in both Lebanon and the U.A.E. These two additional addresses account for the twenty-seventh and twenty-eighth entries for the twenty-six persons being added to the Entity List in this rule.

Finally, the ERC determined that the following five persons being added to the Entity List under the destinations of Hong Kong and China have engaged in actions contrary to the national security and foreign policy interests of the United States, specifically the activities described under paragraph (b)(2) of § 744.11 of the EAR (Actions that could enhance the military capability of, or the ability to support terrorism of governments that have been designated by the Secretary of State as having repeatedly provided support for international acts of terrorism). Specifically, these persons have engaged in actions that could enhance the capabilities of the Syrian government. These persons are also being added because their overall conduct and deceptive practices pose a risk of ongoing violations of the EAR. These persons, Kinglead Electronic Co., Ltd., JLD Technology Hong Kong Co., Ltd., Synergy Express Ltd., BVI Electronics

and Alpha Lam, participated in a complex and layered network that diverted U.S. origin items through China and Hong Kong and engaged in deceptive actions, including shifting/circuitous routes and false or omitted information on shipping documentation, in an attempt to conceal their activities. These persons, while not under the same ownership or management, are interrelated and arranged for the transshipment of items subject to the EAR to end-users associated with the government of Syria and knowingly engaged in violations of U.S. export control laws. Three of the persons, Kinglead Electronics Co., Ltd., Alpha Lam, and BVI Electronics, are listed under addresses in both Hong Kong and China. These three additional addresses account for the twenty-ninth, thirtieth and thirty-first entries for the twenty-six persons being added to the Entity List in this rule.

Pursuant to § 744.11(b)(1), (b)(2), and (b)(4) of the EAR, the ERC determined that the conduct of these twenty-six persons raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving these persons, and the possible imposition of license conditions or license denials on shipments to the persons, will enhance BIS's ability to prevent violations of the EAR.

For the twenty-six persons recommended for addition, the ERC specified a license requirement for all items subject to the EAR and a license review policy of presumption of denial. The license requirements apply to any transaction in which items are to be exported, reexported, or transferred (in-country) to any of the persons or in which such persons act as purchaser, intermediate consignee, ultimate consignee, or end-user. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the persons being added to the Entity List in this rule.

This final rule adds the following twenty-six persons under thirty-one entries to the Entity List:

China

(1) *Alpha Lam,* 15H Office Building, Buji Central Plaza, Jihua Road, Buji Longgang, Shenzhen, China (See alternate address under Hong Kong);
(2) *BVI Electronics,* B28 10/F Nanfang Da Sha, XIDI Ernalu GangZhou, China 511486 (See alternate address under Hong Kong); *and*
(3) *Kinglead Electronics Co., Ltd.,* a.k.a., the following two aliases:
—Kinglead International Trading, *and*
—Kinglead Trading. 15H Office Building Buji, Central Plaza, Jihua Road, Buji, Longgang, Shenzhen, China (See alternate address under Hong Kong).

Hong Kong

(1) *Alpha Lam,* Room 1041 Pacific Trade Center No. 2 Kai Hing Road, Kowloon Bay, Hong Kong (See alternate address under China);
(2) *Bing Lu,* Room 804 Sino Center, 582–592 Sino Center Road, Hong Kong;
(3) *BVI Electronics,* G/F Far East FAC Building No. 334–336 Kwun Tong road, Kwun Ton Kowloon, Hong Kong (See alternate address under China);
(4) *Kinglead Electronics Co., Ltd.,* a.k.a., the following two aliases:
—Kinglead International Trading, *and*
—Kinglead Trading. Room 1041 Pacific Trade Center, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong (See alternate address under China);
(5) *JLD Technology, Hong Kong Co., Ltd.,* Room 1237, Pacific Trade Centre, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong;
(6) *Sinovac Technology Limited,* Rm 804 Sino Center, 582–592 Sino Center Road, Hong Kong; *and*
(7) *Synergy Express Ltd.,* Room 1237, Pacific Trade Centre, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong.

Lebanon

(1) *al Tawasul al Arabi Net Systems,* Beirut, Lebanon (See alternate addresses under U.A.E.);
(2) *Husayn Fa'ur,* a.k.a., Hussein Faour, Beirut Hadath, Morjan Bldg near Sfeir Bridge, Lebanon (See alternate address under U.A.E.);
(3) *New Intelcom,*
Manchieh St, Garden Place Blvd., Hariet Hreik, Beirut, Lebanon; *and*
Al-Hadath, Gallery Semann, Behind KFC, Jordan Bldg, 1st Floor, Beirut, Lebanon;
(4) *Power S.A.L.,* Al-Hadath, Gallery Semann, Behind KFC, Jordan Bldg, 1st Floor, Beirut, Lebanon;
(5) *Wave Tech,* Riad El Sulh Square, Shaker & Oweini Bldg, 4th Floor, Beirut, Lebanon; *and*
(6) *Zener Lebanon,* Beirut Hadath, Morjan Bldg near Sfeir Bridge, Lebanon.

United Arab Emirates

(1) *Ahmad Asad Faour,* a.k.a., the following one alias:—Ahmad Assad Fa'ur.
Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E.; *and*
Business Bay, Emirates National Tower, Churchill Bldg, Office 209, Dubai, U.A.E.; *and*
P.O. Box 25187, Sharjah, U.A.E.;
(2) *al Ajwa al Tiqniah Telecommunications Wire and Wireless Devices,* P.O. Box 3421, Sharjah, U.A.E.;
(3) *al Tawasul al Arabi Net Systems,*
al Tawasul Building, Industrial Area 11, Sharjah, U.A.E.; *and*
P.O. Box 25187, Sharjah, U.A.E. (See alternate address under Lebanon);
(4) *Girish Purushothama,*
P.O. Box 389, Dubai, U.A.E.; *and*
P.O. Box 3905, Abu Dhabi, U.A.E.; *and*
Plot S20206, Dubai, U.A.E.;
(5) *Husayn Fa'ur,* a.k.a., the following one alias:—Hussein Faour.
Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E. (See alternate address under Lebanon);
(6) *Ivan Desouza a.k.a., Ivan D'Souza,*
P.O. Box 389, Dubai, U.A.E.; *and*
P.O. Box 3905, Abu Dhabi, U.A.E.; *and*
Plot S20206, Dubai, U.A.E.;
(7) *Source Com,*
Sharjah Airport, SAIF Zone P6 Area 191, Sharjah, U.A.E.; *and*
P.O. Box 120291, Sharjah, U.A.E.;
(8) *Taha Mansur,* a.k.a., the following one alias:—Taha Mansour.
P.O. Box 389, Dubai, U.A.E.; *and*
Al Quoz Warehouse, Dubai, U.A.E.;
(9) *Wave Tech Computers,*
Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E.; *and*
P.O. Box 3421, Sharjah, U.A.E.;
(10) *Wave Tech Group,*
Business Bay, Emirates National Tower, Churchill Bldg, Office 209, Dubai, U.A.E.; *and*
P.O. Box 30686, Dubai, U.A.E.;
(11) *Zener Electrical & Electronics,*
P.O. Box 389, Dubai, U.A.E.; *and*
P.O. Box 3905, Abu Dhabi, U.A.E.; *and*
Zener Electrical & Electronics Service Building, Liwa Street, Umm al Nar area, Abu Dhabi, U.A.E.;
(12) *Zener Electronics Services,*
Al Sharafi Building, Khalid bin Walid Rd, Dubai, U.A.E.; *and*
P.O. Box 389, Dubai, U.A.E.; *and*
P.O. Box 3905, Abu Dhabi, U.A.E.; *and*
Plot S20206, Dubai, U.A.E.;
(13) *Zener Marine,*
P.O. Box 389, Dubai, U.A.E.; *and*
Al Quoz Warehouse, Dubai, U.A.E.;
(14) *Zener Navcom,*
P.O. Box 389, Dubai, U.A.E.; *and*
P.O. Box 3905, Abu Dhabi, U.A.E.; *and*
Plot S20206, Dubai, U.A.E.; *and*
(15) *Zener One Net,* P.O. Box 389, Dubai, U.A.E.

Updated Statement of Legal Authority for the EAR

In addition to the Entity List changes described above, this final rule also

updates the authority for part 730 (15 CFR part 730) because of the publication of the Notice of May 7, 2014, *Continuation of the National Emergency With Respect to the Actions of the Government of Syria,* 79 FR 26589 (May 9, 2014), which resulted in a change to the legal authority for part 730 of the EAR. This change is purely procedural and makes no changes other than to revise the CFR authority paragraph in part 730 for the purpose of making the authority citations current. It does not change the text of any section of part 730, nor does it alter any right, obligation or prohibition that applies to any person under the EAR.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on June 5, 2014, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov*, or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in country) to the persons being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then entities being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, because these parties may receive notice of the U.S. Government's intention to place these entities on the Entity List if a proposed rule is published, doing so would create an incentive for these persons to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, or to take steps to set up additional aliases, change addresses, and effect other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. For the updated statement of legal authority for the EAR change, the Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are unnecessary. This change only updates the legal authority citation for part 730. It clarifies information and is non-discretionary. This change does not alter any right, obligation or prohibition that applies to any person under the EAR. Because this revision is not a substantive change, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in effectiveness required by 5 U.S.C. 553(d) is not applicable because this change is not substantive. Because neither the Administrative Procedure Act nor any other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 730

Administrative practice and procedure, Advisory committees, Exports, Reporting and recordkeeping requirements, Strategic and critical materials.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, parts 730 and 744 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 730—[AMENDED]

■ 1. The authority citation for 15 CFR part 730 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 2151 note; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 11912, 41 FR 15825, 3 CFR, 1976 Comp., p. 114; E.O. 12002, 42 FR 35623, 3 CFR, 1977 Comp., p. 133; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12214, 45 FR 29783, 3 CFR, 1980 Comp., p. 256; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 179; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 12981, 60 FR 62981, 3 CFR, 1995 Comp., p. 419; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; E.O. 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013); Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of January 21, 2014, 79 FR 3721 (January 22, 2014); Notice of May 7, 2014, 79 FR 26589 (May 9, 2014).

PART 744—[AMENDED]

■ 2. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of January 21, 2014, 79 FR 3721 (January 22, 2014).

■ 3. Supplement No. 4 to part 744 is amended:

■ a. By adding under China, People's Republic of, in alphabetical order, three Chinese entities;

■ b. By adding under Hong Kong, in alphabetical order, seven Hong Kong entities;

■ c. By adding under Lebanon, in alphabetical order, six Lebanese entities; and

■ d. By adding under United Arab Emirates, in alphabetical order, fifteen Emirati entities.

The additions read as follows:

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF	*	*	*	*
	Alpha Lam, 15H Office Building, Buji Central Plaza, Jihua Road, Buji Longgang, Shenzhen, China (See alternate address under Hong Kong).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	*	*	*	*
	BVI Electronics, B28 10/F Nanfang Da Sha, XIDI Ernalu GangZhou, China 511486 (See alternate address under Hong Kong).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	*	*	*	*
	Kinglead Electronics Co., Ltd., a.k.a., the following two aliases: —Kinglead International Trading, *and* —Kinglead Trading. 15H Office Building Buji, Central Plaza, Jihua Road, Buji, Longgang, Shenzhen, China (See alternate address under Hong Kong).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
*	*	*	*	*
HONG KONG	*	*	*	*

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Alpha Lam, Room 1041 Pacific Trade Center No. 2 Kai Hing Road, Kowloon Bay, Hong Kong (See alternate address under China).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Bing Lu, Room 804 Sino Center, 582–592 Sino Center Road, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	BVI Electronics, G/F Far East FAC Building No. 334–336 Kwun Tong road, Kwun Ton Kowloon, Hong Kong (See alternate address under China).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Kinglead Electronics Co., Ltd., a.k.a., the following two aliases: —Kinglead International Trading, *and* —Kinglead Trading. Room 1041 Pacific Trade Center, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong (See alternate address under China).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	JLD Technology, Hong Kong Co., Ltd., Room 1237, Pacific Trade Centre, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Sinovac Technology Limited, Rm 804 Sino Center, 582–592 Sino Center Road, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Synergy Express Ltd., Room 1237, Pacific Trade Centre, No. 2 Kai Hing Road, Kowloon Bay, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
*	* *	*	*	* *
LEBANON	al Tawasul al Arabi Net Systems, Beirut, Lebanon (See alternate addresses under U.A.E.).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	* *	*	*	* *
	Husayn Fa'ur, a.k.a., the following one alias: —Hussein Faour. Beirut Hadath, Morjan Bldg near Sfeir Bridge, Lebanon (See alternate address under U.A.E.).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	New Intelcom, Manchieh St, Garden Place Blvd, Hariet Hreik, Beirut, Lebanon; *and* Al-Hadath, Gallery Semann, Behind KFC, Jordan Bldg, 1st Floor, Beirut, Lebanon.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Power S.A.L., Al-Hadath, Gallery Semann, Behind KFC, Jordan Bldg, 1st Floor, Beirut, Lebanon.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Wave Tech, Riad El Sulh Square, Shaker & Oweini Bldg, 4th Floor, Beirut, Lebanon.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Zener Lebanon, Beirut Hadath, Morjan Bldg near Sfeir Bridge, Lebanon.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
*	* *	*	*	* *
UNITED ARAB EMIRATES	* *	*	*	* *
	Ahmad Asad Faour, a.k.a., the following one alias: —Ahmad Assad Fa'ur. Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E.; *and* Business Bay, Emirates National Tower, Churchill Bldg, Office 209, Dubai, U.A.E.; *and* P.O. Box 25187, Sharjah, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	al Ajwa al Tiqniah Telecommunications Wire and Wireless Devices, P.O. Box 3421, Sharjah, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	al Tawasul al Arabi Net Systems, al Tawasul Building, Industrial Area 11, Sharjah, U.A.E.; *and* P.O. Box 25187, Sharjah, U.A.E. (See alternate address under Lebanon).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	**Federal Register** citation
	Girish Purushothama, P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Husayn Fa'ur, a.k.a., the following one alias: —Hussein Faour. Beirut Hadath, Morjan Bldg near Sfeir Bridge, Lebanon; *and* Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E. (See alternate address under Lebanon).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Ivan Desouza, a.k.a., the following one alias: —Ivan D'Souza. P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Source Com, Sharjah Airport, SAIF Zone P6 Area 191, Sharjah, U.A.E.; *and* P.O. Box 120291, Sharjah, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Taha Mansur, a.k.a., the following one alias: —Taha Mansour. P.O. Box 389, Dubai, U.A.E.; *and* Al Quoz Warehouse, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	* *	*	*	* *
	Wave Tech Computers, Industrial Area 11, 28th St, Wave Tech Bldg, Sharjah, U.A.E.; *and* P.O. Box 3421, Sharjah, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Wave Tech Group, Business Bay, Emirates National Tower, Churchill Bldg, Office 209, Dubai, U.A.E.; *and* P.O. Box 30686, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.

SUPPLEMENT NO. 4 TO PART 744—ENTITY LIST—Continued

Country	Entity	License requirement	License review policy	Federal Register citation
	Zener Electrical & Electronics, P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Zener Electrical & Electronics Service Building, Liwa Street, Umm al Nar area, Abu Dhabi, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Zener Electronics Services, Al Sharafi Building, Khalid bin Walid Rd, Dubai, U.A.E.; *and* P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Zener Marine, P.O. Box 389, Dubai, U.A.E.; *and* Al Quoz Warehouse, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Zener Navcom, P.O. Box 389, Dubai, U.A.E.; *and* P.O. Box 3905, Abu Dhabi, U.A.E.; *and* Plot S20206, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.
	Zener One Net, P.O. Box 389, Dubai, U.A.E.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial	79 FR [INSERT FR PAGE NUMBER] 6/5/14.

* * * * * * *

Dated: May 30, 2014.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2014–13149 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 997

[Docket No. 120813326–4163–02]

RIN 0648–BC18

U.S. Integrated Ocean Observing System; Regulations To Certify and Integrate Regional Information Coordination Entities

AGENCY: U.S. Integrated Ocean Observing System Program Office (IOOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The U.S. Integrated Ocean Observing System Program Office, led by the National Oceanic and Atmospheric Administration (NOAA), issues this final rule to implement provisions of the Integrated Coastal and Ocean Observation System Act of 2009 (ICOOS Act). Among other things, the ICOOS Act directs the Interagency Ocean Observation Committee (IOOC) to develop and approve certification criteria and procedures for integrating regional information coordination entities (RICEs) into the National Integrated Coastal and Ocean Observation System (System). This rule accomplishes that goal. This rule also implements the provisions of the ICOOS Act establishing that certified entities integrated into the System are, for the purposes of determining liability arising from the dissemination and use of observation data, considered part of NOAA and therefore their employees engaged in the collection, management, and dissemination, of observation data in the System receive the same tort protections for use of that data as Federal employees.

DATES: *Effective date:* July 7, 2014.

ADDRESSES: Copies of the final rule are available upon request to U.S. Integrated Ocean Observing System Program Office, 1100 Wayne Ave., Suite 1225, Silver Spring, MD 20910. The final rule can also be viewed on the Web and downloaded at *http://www.ioos.noaa.gov/certification/.*

FOR FURTHER INFORMATION CONTACT: Dave Easter, U.S. Integrated Ocean Observing System Program Office, at (301) 427–2451.

SUPPLEMENTARY INFORMATION:

Background

The Integrated Coastal and Ocean Observation System Act of 2009 (Pub. L. 111–11) (ICOOS Act or Act) (codified at 33 U.S.C. 3601–3610) directs the President, acting through the National Ocean Research Leadership Council (Council), to establish a National Integrated Coastal and Ocean Observation System (System). The System must ''include[] in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and [be] designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data.'' 33 U.S.C. 3601(1). Another purpose of the System is ''to fulfill the Nation's international obligations to

contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.'' 33 U.S.C. 3601(1) and 3603(a).

The System is built upon a national-regional partnership, with contributions from both Federal and non-Federal organizations, promoting the quick and organized collection and distribution of ocean, coastal, and Great Lakes data and data products to meet critical societal needs. System data is used by both governmental and non-governmental concerns, to, among other things, ''support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education.'' It is also used to promote public awareness and stewardship of the Nation's waterways, coasts and ocean resources, and to advance scientific understanding of the use, conservation, management, and understanding of healthy ocean, coastal, and Great Lake resources. 33 U.S.C. 3601(1)(A)–(C).

The ICOOS Act directs the Council to establish or designate an Interagency Ocean Observation Committee (IOOC). In 2010, the Joint Subcommittee on Ocean Science and Technology (JSOST), acting on behalf of the Council, established the IOOC. The IOOC replaced, and assumed and expanded the role of its predecessor, the Interagency Working Group on Ocean Observations, which was originally established by the JSOST under the Ocean Action Plan.

Under the ICOOS Act, the IOOC must ''develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System.'' 33 U.S.C. 3603(c)(2)(E). To create the certification criteria, the IOOC chartered two working groups consisting of subject matter experts on IOOS data partners and regional entities to draft recommended certification criteria. The recommended draft criteria were approved by the IOOC in October 2011 and released for public input. After a sixty-day public comment period and adjudication of public input, the IOOC drafted final certification criteria.

In developing certification criteria, the IOOC focused on identifying the governance and management criteria a RICE—organizations that coordinate regional observing efforts; manage and operate observing assets; manage and distribute data; and engage user groups in product development—must have in place to allow NOAA to coordinate non-federal assets for the purposes of the ICOOS Act. The IOOC certification standards ensure the necessary policies, standards, data, information, and services associated with eligibility for integration into the System are appropriately established, coordinated, overseen and enforced.

This rule establishes the criteria and procedures for how RICEs can apply and become certified for and integrated into System. Integration into the System formally establishes the role of the RICE and ensures that the data collected and distributed by the RICE are managed according to the best practices, as identified by NOAA.

Additionally, under the ICOOS Act, employees of RICEs that NOAA has certified and incorporated into the System who gather and disseminate information under this Act are, for the purposes of determining liability arising from the dissemination and use of observation data, considered to be part of NOAA. In other words, they are federal employees for the purposes of tort liability relating to their work directly related to the System. Only those non-federal entities that agree to meet the standards established under the process described in the ICOOS Act, and that are designated by NOAA as certified entities in the System, will be considered as ''certified'' for purposes of these regulations.

This rule satisfies the ICOOS Act requirement that NOAA, as the lead Federal agency for implementing the System, ''promulgate program guidelines to certify and integrate non-federal assets, including regional information coordination entities, into the System.'' 33 U.S.C. 3603(c)(3)(C). Accordingly, it details the compliance procedures and requirements for certifying RICEs that satisfy the IOOC-approved certification standards.

Among other things, to become certified, RICEs must provide NOAA with information about their organizational structure and operations, including capacity to gather required System observation data. They must also document their ability to accept and disburse funds and to enter into legal agreements with other entities. RICEs must have by-laws, accountability measures governing boards and an explanation of how they are selected, and be able to provide information about RICE diversity, user feedback processes, and transparency. Moreover, RICEs must submit to NOAA a strategic operation plan to ensure the efficient and effective administration and operation of programs and assets to support the System, and agree to and actually work cooperatively with other governmental and non-governmental entities to the benefit of the System. Importantly, an application for certification must include a description of the RICE's management of ongoing regional system operations and maintenance. The RICE must illustrate its standard operating procedures for ensuring the continued validity and maintenance of equipment used; strategies to enhance the System. Additionally, a RICE must also provide a Data Management and Communications Plan documenting how the RICE maintains and controls data quality and distribution. Certification lasts for five years, after which time a certified RICE must apply for re-certification.

These regulations apply to the certification of RICEs only. Further regulations will be developed by NOAA to provide certification for other non-federal assets that do not meet the definition of RICEs.

Differences Between the Proposed Rule and the Final Rule

The Administrative Procedure Act (APA) notice-and-comment process (5 U.S.C. 553) contemplates that changes may be made to the proposed rule without triggering an additional round of public notice and comment so long as the changes are ''in character with the original scheme'' and are of a type that could have been reasonably anticipated by the public (i.e., a logical outgrowth of the proposal or comments received) (Foss v. National Marine Fisheries Service, 161 F.3d 584, 591 (9th Cir. 1998); Chemical Mfrs Ass'n v. United States Environmental Protection Agency, 870 F.2d 177 (5th Cir. 1989). The differences from the proposed rule text, published in July 2013 (78 FR 39638) and this final rule, including the basis for changes, are summarized as follows:

A. NOAA added a definition of ''Equipment'' to § 997.1 to clarify the extent of requirement § 997.23 (d)(4)(i). The new language defines equipment ''as a tangible asset that is functionally complete for its intended purpose and has a capital cost of over $5000. Both individual sensors and collections of sensors on a platform are considered equipment and are subject to the $5000 minimum cost.''

B. NOAA revised § 997.13(c) to now require a RICE to notify NOAA only when substantive changes are made to its organizational structure or Strategic Operational Plan, rather than when any changes are made to the details of the structure or Plan as published in the

proposed rule. There were a number of comments submitted that stated the proposed language would be onerous for a RICE. NOAA's intention with this requirement is to be notified and approve significant changes to the RICE's management and operational practices, not to be involved in the day to day operations of the RICE.

C. NOAA revised § 997.15(a) to remove the language allowing NOAA to conduct an audit without notice, and to now indicate that NOAA will work with the RICE on the timing and process for the audit. The intention of the audit is not punitive, but more evaluative and is consistent with language in the ICOOS Act requiring that NOAA, as the lead federal agency for the System, shall develop and implement a process for the periodic review and evaluation of the RICEs (Sect. 12304(c)(3)(H)). NOAA's desire is to work with the RICE to review and evaluate the RICE's procedures with a goal to improve effectiveness and maintain credibility.

D. NOAA revised § 997.15(c) to extend the time available to request in writing that NOAA reconsider its intent to decertify the RICE or notify NOAA in writing of the corrective action(s) taken, from 30 days to 45 days.

E. NOAA added language to § 997.21(b)(3) to clarify that if a RICE has a conflict of interest policy that requires a Board member recuse themselves from funding decisions only when the decision may result in the Board member or a direct family member would benefit financially. NOAA recognizes that the ocean and coastal observing community is small and the proposed language would unnecessarily restrict Board member participation in decision-making if interpreted broadly.

F. NOAA revised § 997.23(d)(1) and (2) to delete the references to products and services that the system will deliver. NOAA received several comments stating that the focus of the Strategic Operational Plan should be on the process and desired outcomes, not the assets, products, and deliverables. NOAA agrees that the describing the RICE's processes to deliver quality data and desired outcomes is more valuable than specific products and services, that may change over the five year duration of certification.

G. NOAA revised § 997.23(d)(4)(i–ii) to clarify its requirement for the calibrating validating, operating, and maintaining equipment owned and/or operated by the RICE, and for maintaining equipment inventories, shipping logs and instrument history logs for equipment owned and/or operated by the RICE. NOAA agrees with the comments on the subjective nature of the word ''ensure'' and has deleted this language. NOAA has also defined equipment in § 997.1, clarifying the extent of the requirement. NOAA's intent is that for assets owned and/or operated by the RICE, the RICE should describe a standard operating procedure for equipment maintenance according to best practices. NOAA's intent is not to dictate the required actions of the RICE, only that the RICE must have a standard operating procedure in place. For assets financially supported by the RICE, fully or partially, but operated by a subcontractor, the RICE should instruct subcontractors to follow best practices and should mandate that equipment maintenance reports should be available periodically or by request.

H. NOAA revised § 997.23(f)(3) to add language clarifying that a RICE is not responsible for performing or describing the quality control procedures for data the RICE obtains from a federal data source. NOAA received several comments stating that it would be unreasonable to require RICEs to perform additional quality control procedures on data federal agencies have deemed suitable for public use. While NOAA's intention is that all the data made available by the RICE is quality controlled, it does not see the necessity of applying additional quality control procedures to data these agencies have distributed for use. NOAA added language to clarify that the RICE must use QARTOD quality control procedures for those data with approved QARTOD manuals. This requirement is consistent with the ICOOS Act requirement that NOAA shall implement protocols and standards approved by the IOOC. Lastly, NOAA deleted the examples of different procedures that may be used in the quality control. For variables without documented QARTOD procedures, the quality control procedures are subject to the judgment of the RICE until QARTOD standards become available.

I. NOAA deleted the requirement that a RICE outline their plan and strategies for diversifying their funding sources and opportunities (proposed as § 997.23(g)(2). NOAA received numerous comments that this requirement was not relevant to integrating a RICE into the System. Although NOAA encourages certified RICEs to pursue diversified funding sources and opportunities, it agrees that this requirement was not relevant to being integrated into the System and NOAA's intent is that the certification is not connected to any specific funding opportunities or existing awards.

J. NOAA revised § 997.23(d)(3) and § 997.23(f)(1)(i) to allow a RICE to identify more than a single individual for each of the positions described in these sub-sections. NOAA received several comments that not all RICEs have a single individual responsible for observations system management across the region and/or data management across the region. Although NOAA has eliminated the limit on the number of individuals a RICE may identified for each of these positions, these individuals must still satisfy the requirements listed in § 997.26(c) to be considered employees of a RICE as defined in the rule.

K. NOAA revised *§ 997.25(c)* to clarify that a RICE only needs to submit to NOAA the documentation on its annual operating and maintenance costs upon request. NOAA recognizes the additional reporting burden that an annual reporting requirement would impose and has modified its approach, while still maintaining NOAA's ability for fiscal oversight as required in the Act.

Responses to Public Comments

NOAA published the Notice of Proposed Rulemaking on July 2, 2013 soliciting public comments until August 1, 2013. All written and verbal comments received during the public comment period were compiled and grouped into eight categories. Similar comments from multiple submissions have been treated as one comment for purposes of response. NOAA considered all comments and, where appropriate, made changes that are reflected in this final rule. Several commenters expressed concern about the rule under the Regulatory Flexibility Act and those comments are addressed further in the ''Classification'' section below. Substantive comments received are summarized below, followed by NOAA's response.

Organizational Structure

Comment 1: Many Governing Board members have direct interest in the operations of the RA. If the rule is interpreted so that Board members whose institutions receive any funding from the RA would have to recuse themselves on any funding decisions, then it would be impossible to achieve a quorum. Perhaps the conflict of interest could be defined as applying to a council member receiving funds that benefit their own financial situation or that of their family members.

Response 1: NOAA agrees that the definition of the term ''conflict of interest'' may have the potential to create unintended consequences, and

has revised the term at § 997.21(b)(3) to indicate that a conflict of interest occurs when actions benefit a Board member's financial situation or that of their family members.

Comment 2: We request more clarity on definition of ''solicits and receives advice on participant diversity, etc.'' The requirements stated here seem redundant with requirements which follow in (b)(5)(iii) with the exception of the term ''advice.'' This paragraph also lacks supporting guidance about what would be considered sufficient documentation to demonstrate compliance.

Response 2: The objective of the requirement to solicit and receive advice on participant diversity is to show that the organization is actively soliciting feedback on their priorities and organizational structure. This requirement is different from the requirements in § 997.21(b)(5)(iii),in that the requirement in § 997.21(b)(3) seeks information on how the RICE solicits their partners for feedback on the RICE organizational structure, whereas the requirement in § 997.21(b)(5)(iii) asks for feedback to gauge the effectiveness of the organization.

When possible, NOAA has provided supporting guidance about what it considers sufficient documentation for approval within this rule, particularly when it considers doing so critical to defining the requirement. In addition, NOAA will publish guidance on complying with the requirements when the Final Rule is published. For this particular requirement, there is no ''standard'' for approval other than describing how and with what frequency the RICE solicits and receives advice.

Comment 3: Establishing a membership policy that ''strives for diversity'' is something that is difficult to demonstrate aside from a statement to the effect. This is an example of a requirement that appears to be outside the scope of necessary elements for certification. If that is not the case, the proposed rule must be modified to define ''diversity'' clearly and provide more information about the minimum necessary requirements.

Response 3: The rule identifies ''strives for organizational diversity'' as including intra-regional representation and addresses interests from both the public and private sectors. The objective of this requirement is to ensure that a RICE avoids the establishment of a limited and restricted organization that addresses a narrow set of user needs. This is consistent with the ICOOS Act language that states a RICE shall work cooperatively with a variety of entities and consider the needs of multiple users within the region. Because this is clear in this final rule, no additional language is needed.

Strategic Operational Plan

Comment 4: The requirements for the SOP could be streamlined as some pieces of information are requested multiple times. Both the Development Strategy and the Budget Plan ask for information regarding how the RAs make decisions to support the system and for guiding funding decisions. Recommendation: Combine the elements for the Development Strategy and the Budget Plan together to make a more streamlined and coherent document.

Response 4: While § 997.23(e)(1) and § 997.23(g)(3) are logically related, each guideline asks for different levels of detail. § 997.23(e)(1) asks for the RICE to describe an approach for prioritizing new and possibly competing priorities. § 997.23(g)(3) asks the RICE for a budget plan which explains/defends the RICE's decisions for funding based on RICE priorities. For this reason, NOAA makes no changes to the proposed language.

Comment 5: As written, there are many requirements that are excessive or in need of clarification to demonstrate they are not excessive in application to RICEs that have a mix of assets supported financially by different sources. The elements required for certification must only be those necessary to achieve the stated purpose of the proposed rule: To integrate RICEs into the National Integrated Coastal and Ocean Observation System.

Response 5: NOAA maintains that the rule represents the minimum requirements for certification and integration into the System, based on the ICOOS Act language and the approved IOOC certification criteria. As part of the rule development process, NOAA performed a review of existing RICE documentation and operating procedures, and found that those documents can be reasonably adapted to meet the requirements written in the rule.

Comment 6: The focus of the Strategic Operational Plan (SOP) should be on the process and desired outcomes, not the assets, products, and deliverables. It is too restrictive and binding to presume that specific products should/will be delivered. Instead, develop SOPs that document processes, such as describing approaches to ensure documentation of QA/QC procedures in metadata.

Response 6: NOAA agrees with the comment that the focus of the Operational Plan should be on the process and desired outcomes. The intent of the Operational Plan is to identify, at a high-level, how the RICE manages and operates the integrated system to achieve the desired outcomes. NOAA agrees that over the five year duration of certification, the assets, products, and deliverables that contribute to the system may change, and new approaches may be preferred to meet its objectives. NOAA's intent is that the RICE clearly identify the processes it has in place to achieve its desired outcomes, and amended the text in § 997.23(d)(1) and (2) accordingly.

Comment 7: This rule requires identification of the individuals responsible for observations system management and data management. Not all regional associations have a single individual who fills this role, which often is shared among a number of people. The certification, and therefore indemnification, process should acknowledge that NOAA has allowed regional association structures to develop that are best for each region. This section should be clarified to accommodate the current operational model and many RAs.

Response 7: NOAA accepts that RICE structures will vary; and has revised the rule to state that, for the purposes of indemnification and accountability, a RICE shall identify the individual(s) responsible for the coordination and management of observation data across the region, and as applicable, the individual(s) for observations systems management across the region. These individuals must still satisfy the requirements listed in § 997.26(c) to be considered employees of a RICE as defined in the rule.

Comment 8: Personnel evaluation (Rice Management & Data Manager) should not be part of certification.

Response 8: The ICOOS Act mandates that the RICE develop a strategic operational plan that ensures ''effective administration'' of programs and assets, ''pursuant to standards approved by the Council''. The primary purpose of this guideline is to ensure that (1) the RICE has a process in place for evaluating the capabilities of key personnel and (2) the people hired can perform the duties required. We do not believe that requesting a CV is excessive as Federal agencies routinely require CVs in grant proposals submissions, federal advisory committee nominations, etc., and therefore is not adopting the commenter's suggestion.

Comment 9: In section 997.23(d)(4), an active maintenance oversight program would burden operators with submitting detailed maintenance records and protocols and would be a

significant new burden that may result in fewer assets and data streams being available to the System. This requirement would be too labor intensive for the description of minimal anticipated efforts and costs associated with certification outlined under Regulatory Flexibility Act section. Furthermore, the rules should be clarified to define what is meant by ''ensure'' and also provide an example of how the RICEs are to comply with this provision. RAs should be given flexibility in how they ensure that those responsible for managing hardware owned and operated by the RA (even partially) be calibrated, validated, operated, etc. For instance, it should be specified that providing links to established procedures addressing these issues at the operators' institutions is sufficient to meet this requirement.

Response 9: NOAA has amended the rule based on reviewers' comments of the subjective nature of the word ''ensure'' by removing the reference to ''ensuring that those responsible for managing hardware'' from this rule and simplifying the language in section 997.23(d)(4) to describe the standard operating procedures used for quality assurance processes. An example of how the RICEs are to comply with this provision is, for assets owned and/or operated by the RICE, the RICE should describe a standard operating procedure for equipment maintenance according to best practices. NOAA agrees that reviewing subcontractors' inventories and equipment history logs would be overly burdensome; yet, the rule does not dictate the required actions of the RICE, only that the RICE must have a standard operating procedure in place. For assets financially supported by the RICE, fully or partially, but operated by a subcontractor, the RICE should instruct subcontractors to follow best practices and should mandate that equipment maintenance reports should be available periodically or by request.

Comment 10: Section 997.23(d)(4)(i) requires more definition. Equipment should be specifically defined as capital equipment, e.g., exceeding $5000 in value with a shelf life of greater than three years. Also, Terms and Conditions to meet this requirement should be supplied by NOAA for inclusion in sub-awards from the RAs.

Response 10: NOAA agrees that § 997.23(d)(4)(i) requires clarification, and has amended the rule to include a definition for the term equipment, which includes a price floor of $5000. This amount is used to be consistent with OMB Circular No. A–122, establishing principles for determining costs of grants, contracts and other agreements with non-profit organizations. A–122 defines equipment as ''nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-profit organization for financial statement purposes, or $5000.'' NOAA stresses that even though documented procedures are not required for certification for assets below the price floor, RICEs should maintain all equipment according to industry best practices.

NOAA disagrees that it should supply Terms and Conditions for this requirement. NOAA has taken a position, based on feedback from the RICEs during the development of the rule, that where possible, this rule shall avoid being too prescriptive, so as to allow each RICE to address the requirements as they see best, given their unique situation. NOAA believes that it is the responsibility of each RICE to work with their legal counsel and fiscal agents to develop contract language that meets their specific needs.

Comment 11: Section 997.23(f) of the Strategic Operational Plan (Data Management and Communication Plan) lists six actions. Shall these actions be implemented simultaneously, or can the regional or local entity prioritize? Data quality control procedures vary from entity to entity. It is going to take time and effort to bring everyone to the same level.

Response 11: All actions must be sufficiently addressed to achieve certification. The order by which the actions are addressed is at the discretion of the RICE.

Comment 12: The rules should state how the U.S. IOOS Program intends to handle model output, observational grids, or project level GIS data layers.

Response 12: Through this rule, NOAA is not providing guidance on model output or any other non-observational data in the certification requirements at this time. The IOOS Program Office welcomes a discussion with all IOOS partners to develop best practices related to these other types of information, but any proposed standards/processes would not be tied to certification.

Comment 13: Will a program that wants to contribute data to an IOOS-supported regional data portal be expected to adhere to an IOOS-sponsored or supported DMAC requirement for metadata (e.g., ISO 19115 and SensorML) and QA/QC (e.g., QARTOD)? The rule provides examples of qualified procedures (e.g., QARTOD, JCOMM/IODE, scientific literature), but we interpret these as examples and not mandates. If adherence to the specific standards mentioned is mandatory, this will discourage many programs from sharing data through IOOS.

Response 13: NOAA has clarified the guideline to address the commenters' concerns. For variables with documented QARTOD procedures, these procedures must be implemented and referenced on the RICE's Web site. For variables without documented QARTOD procedures, the quality control (QC) procedures are subject to the judgment of the RICE until QARTOD standards become available, but QC of some type must be performed and referenced. The RICE may choose to make data contributors responsible for QC and reference the procedures in the DMAC plan, or may perform the QC itself. Because the RICE can choose to perform QC of the data, we believe this requirement should not substantially deter other programs from sharing data through IOOS. Certification does not specifically mandate any DMAC requirements for metadata.

Comment 14: Greater flexibility is needed in the regulations to allow the wide spectrum of contributions to IOOS. The RICE should be allowed to provide data of various levels of quality to the system as long as the provenance of the data being discovered and exposed is made easily accessible through metadata that allows the user to assess the veracity and quality of the data.

Response 14: Since NOAA will provide the RICE with liability protection for activities related to its work on the dissemination and use of observation data, it is important that proper data management practices are in place and followed to mitigate the risk of liability. At a minimum, all data distributed by the RICE must be quality controlled either by the RICE or by the entity providing data to the RICE. This is the minimum step necessary to ensure data quality. While the RICE may include a description of the provenance of the data in the metadata, this does not replace the need to perform quality control on all data.

Comment 15: Documenting the quality control and assurance procedures for each individual data stream will be repetitive and time consuming. Rather, it would be more realistic to document the quality assurance protocols developed by individual data providers/sources. Overall, additional guidance detailing best practices and real world approaches to applying QC in an operational setting would be useful due to the large number of data streams that a RICE makes available.

Response 15: Since a data source can produce multiple data streams, and since each data stream must be quality controlled, the language was not changed. In practice, the RICE does not need to document the quality control procedures for each and every data stream. Data streams with similar QC procedures can be combined into larger categories, and the QC procedures for these larger categories can be described in the RICE's Data Management Plan as part of the certification application. The comment also asks for guidance on real world approaches to applying QC in an operational setting. The new rule language mandates QARTOD procedures for variables which QARTOD manuals are available. These manuals establish a framework that addresses real time collection and processing of these data through QC tests with codeable instructions. For variables which QARTOD manuals do not exist, quality control procedures are subject to the judgment of the RICE, providing flexibility to the RICE.

Comment 16: Federal agencies collecting ocean data that are distributed through RICE portals should have the QC responsibility for their own data streams. It would be helpful if the certification document clarified the nature of observing programs and networks that are the result of federal-regional partnerships, particularly CDIP and NERRS.

Response 16: NOAA does not expect that RICEs should perform their own QC on Federal data sources, but are encouraged to reference existing Federal QC procedures if the RICE makes these data available. For CDIP and NERRS, these programs are considered largely Federal and thus the RICE would not be required to perform QC on these data, if they are redistributing that data as is. In the case of CDIP, if a RICE deploys a wave buoy and provides that data independently on the RICE data portal, QC must be performed according to QARTOD standards, if available, or documented procedures if QARTOD manual is not available. For other federal-regional partnership programs that may exist currently or in the future, RICEs and the IOOS Program Office will assess on case by case basis.

Comment 17: Some Federal data sources serve RICE data, and it seems unreasonable for IOOS to require RICEs to document or enforce additional standards and protocols for data that is 'qualified' to be presented via these other federal portals.

Response 17: Within NOAA, when a Federal center receives a RICE data source, the QC procedures of that center are required to ensure NOAA meets its own indemnification. For example, in the case of NDBC, mentioned in the comment, NDBC applies QC procedures before making the data public, so in effect, the RICE data is not ''qualified as is'' to be disseminated via NDBC. Further, the data that NDBC rebroadcasts is only a subset of the total RICE data. Finally the process is that the RICE data is simultaneously disseminated to NDBC and the RICE data portal. The RICE does not wait until NDBC has performed the QC to disseminate their data. Therefore, NOAA maintains for the purpose of certification, the RICE must separately perform quality control on the data.

Comment 18: We request that the US IOOS Program Office host discussion sessions with the IOOS community about the IOOS standards for metadata and quality assurance and how all the individual parts fit together.

Response 18: NOAA agrees discussion sessions would be beneficial. The IOOS Program Office hosted annually since 2008 a collaborative working session with the Regional Association Data Managers where quality control and metadata standards have been discussed. Specifically at the Data Management and Communications Meeting in September, 2013 in Silver Spring a session was dedicated to the implementation of IOOS certification requirements and data management requirements from NOAA. For the last three years, at both the Spring and Fall IOOS association meetings, data management has been on the agenda. These topics have been discussed at a number of IOOS Regional Association meetings and it is almost always requested and discussed at the individual regional meetings. The IOOS Program Office will continue to participate/host additional discussion sessions.

Comment 19: The RICE cannot exert much control over partners with little or no financial support from IOOS. The inclusion of a limited set of metadata and QA/QC flags transmitted to the RICE is not unreasonable from non-IOOS funded data streams. However, data generated with IOOS funding would be a different matter as the RICE would have more control over those operations and data processing steps. RAs should have the option of serving data from non-federal providers who don't receive financial support from the RAs without going through the same level of QC and oversight that they provide for organizations they do support. A suggestion would be to have different categories of data streams on the portal: Federal, RA-supported, and other. Data streams would be clearly identified as to their source and which category they fell in, and metadata would be provided to allow users to decide which data streams were adequate for their use.

Response 19: NOAA disagrees that the RICE should have the option of serving data from non-federal providers who don't receive financial support from them without going through the same level of QC and oversight that they provide for organizations they do support. QC must be performed on all data that the RICE makes available, regardless of funding source. The quality control requirements are not overly burdensome since the rule does not require that the RICE partners perform their own QC. Rather, the RICE is responsible for QC and may assign the responsibility to its partners or may choose to perform the QC itself. NOAA does not agree with the idea of developing data categories based on financial contribution from the RICE. The premise of IOOS is to leverage capabilities from a variety of Federal, non-Federal, academic, industry, etc. sources in order to increase the availability and use of coastal and ocean information. Data categories based on funding would result in confusion and would oppose the concept of open data sharing through the RICE.

Comment 20: It is not clear why the ''RICE's plans and strategies for diversifying funding sources and opportunities;'' is relevant to integration into the national program. This should not be part of a federal certification process.

Response 20: NOAA agrees that the requirement is not relevant to integration into the national program, and has removed this requirement from the rule.

Gaps Identification

Comment 21: Certification should not establish new unfunded mandates. The current certification process establishes the need for an online ''Regional Asset Inventory'' that has previously not been required.

Response 21: The rule sets minimum requirements for certification based on the ICOOS Act language and the IOOC approved certification criteria. NOAA does not agree that the rule establishes unfunded mandates, as the pursuit of certification is voluntary. Regarding the Gaps Identification requirement referenced in the comment, the rule does require the establishment of a regional asset inventory, but states that a ''database or portal accessible for public viewing'' *could* demonstrate that a RICE meets this requirement.

Financial Oversight

Comment 22: Requiring the RICE's subcontractors document operating and maintenance costs for their observing platforms that contribute data even when IOOS funds may not contribute to that operation or maintenance may discourage participation in the system. Certification should be a five year process with no pieces in between. Operating costs should not be required annually.

Response 22: A RICE is only required to document its annual operating and maintenance costs for assets owned and/or operated by the RICE as defined. The annual financial information is intended to report on expenditures by the RICE. For example, in a RICE to subcontractor relationship, only the RICE funds to the sub-contractor would be included in the reports. Funds the sub-contractor receives from other entities would not be included in the report by the RICE. The annual budgets submitted by the RICE, as part of a cooperative agreement, will meet this requirement.

With respect to the commenter's concern that certification ''should be a five year process with no pieces in between,'' NOAA revised *§ 997.25 (c) to clarify that the RICE need only submit the annual operating and maintenance costs upon request.* While NOAA understands the desire to have manageable tasks associated with certification, it believes that although a RICE is certified, there should be measures in place to ensure accountability. The Act requires a RICE to ''comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.'' NOAA must be able to have a process, in addition to audits, to ensure fiscal oversight. Requiring the RICE to annually document its operations and maintenance costs, and providing those upon request, is one way to achieve this.

Civil Liability

Comment 23: One of the main incentives for a Regional Association (RA) to apply for certification is for liability protection. The extension of liability protection to no more than three individuals doesn't seem to fulfill the sense of the ICOOS Act. It is not clear why limiting indemnification is relevant or necessary. The limitation of protection to three individuals should be removed so as to allow the RA to submit the names of all individuals responsible for operations, including Board members and contractors, to NOAA for review and approval. Civil liability should not be limited when all affiliates are potentially at risk for legal action as well. This will lead to challenges recruiting Board members and the kind of staff members necessary to continue to develop the U.S. IOOS system at the regional level. Additional language is needed to explain the meaning and extent of ''The individual is responsive to federal government control.''

Response 23: NOAA agrees there may be more than three individuals who are responsible for RICE operations. NOAA has revised the rule, allowing a RICE to identify more than one individual responsible for each of these areas: Overall system management; observations system management across the region; and, management of data operations across the region. In order to be approved for certification, a RICE must demonstrate that these individuals are responsible for managing operations across the region, and are responsive to federal control.

The ICOOS Act associates civil liability to employees. While the ICOOS Act does not clearly define employee, causing some ambiguity about who qualifies for the extension of civil liability, the term employee does have specific meaning in Federal tort law. According to the Federal Tort Claims Act, and for the purposes of this rule, an employee of the government includes, ''persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.'' Given this definition, to be considered a RICE employee under this rule, an individual must be formally acknowledged by NOAA and that individual shall be responsive and accountable to NOAA.

In response to the comment suggesting that NOAA further explain the ''meaning and extent of 'The individual is responsive to federal government control,' '' NOAA has chosen to leave the language of this rule unchanged in order to retain flexibility in working with each RICE. This approach is necessary due to the variations in RICE organizational structures and the mechanisms available to NOAA to ensure RICE employee responsiveness. Since RICEs by their nature operate through the extensive use of partnerships and non-traditional employee/employer relationships, this creates challenges in applying the definition of employee from Federal tort law.

NOAA has identified in the rule, those positions that most closely meet the intent of the meaning of employee from Federal tort law. The positions identified in the rule have significant impact on, and are influential in, assuring the reliability of the data. As such they are in positions to mitigate the risk of liability arising from the dissemination and use of observation data. These positions work across the region and are accountable to the RICE and NOAA for data collection, dissemination, and use.

Comment 24: It is recommend that NOAA and the IOOS Program Office work with the regional associations to undertake a full review of the options available to limit the RICE's liability risk.

Response 24: NOAA is available to discuss the rule and how it will be implemented. NOAA understands the commenter's concern about a RICE's liability risk, but each RICE should seek its own legal advice.

Comment 25: Please clarify—do data providers or regional partners to GCOOS have to have individual contracts, leases, grants, or cooperative agreements with NOAA to be protected, or can their membership in GCOOS qualify them as protected from civil liability? We strongly encourage the latter to minimize costs and facilitate participation in the RICE and IOOS.

Response 25: While NOAA appreciates the RICE's concern about the liability status of their partners, certification is for the RICE alone and the extension of civil liability protection is to certified RICEs and their employees only. Under the rule, employees of a RICE are defined as those individuals filling the positions identified in the rule and are the only individuals covered by the civil liability protection. Neither membership in a RICE or a contract, lease, grant, or cooperative agreement with NOAA is sufficient to qualify an entity, organization, or individual as protected from civil liability.

Comment 26: The benefits of certification are not clear. One is the extension of federal tort liability protection to two or three employees of a certified RICE. I say two or three because it is not clear that three are actually covered. § 997.30(c)(2) states that the individuals to be protected must be identified under § 997.23(d)(3), which only lists two positions.

Response 26: NOAA agrees that paragraph (c)(2) of the civil liability section is not clear and revised the section to account for all the individuals that may fill the three positions identified in § 997.23(d)(3) and § 997.23(f)(1)(i) and to be consistent with the definition of Employee of a Regional Information Coordination Entity in the rule.

Comment 27: The primary responsibility of an employee and/or Board of Directors is to the corporation. As such, conceding power to another organization (NOAA) in oversight of RICE employees and/or contractors as required in the regulations (§ 997.30) has the potential for conflict of interest and is unacceptable. Compliance with program requirements is already legally covered through the Cooperative Agreements.

Response 27: In order for the federal government to afford civil liability to an employee, there must be a relationship between the federal government and the employee characterized by responsiveness and accountability. Certification requirements are separate and distinct from the cooperative agreements, which are awarded through a competitive process. A funding agreement with NOAA is not a requirement for certification. Having a stand-alone certification process ensures that NOAA has a mechanism for working with certified RICEs.

Comment 28: Shall a non-federal employee who is participating in the System, being paid one month salary by contract (ICOOS, etc.) and eleven month by his or her local entity, be considered, with respect to tort liability, an employee of the Federal Government?

Response 28: The extension of civil liability protection is to employees of certified RICEs only as defined in the rule.

Comment 29: If the local entity has a ''Disclaimer'' on its own Web site for data users that it does not accept liability for any damages or misrepresentation caused by inaccuracies in the data or as a result of changes to the data caused by system transfers, transformations, or conversions, nor is there responsibility assumed to maintain the data in any manner or form, will this Disclaimer contradict with the IOOS tort liability/civil liability?

Response 29: The grant of civil liability protection applies only to a certified RICE and its employees identified in § 997.26(c)(2). A disclaimer would not affect this status.

Comment 30: Switching the focus of certification to those activities that are 100% funded by IOOS could help simplify the limitation of what is covered under indemnification, without also limiting the number of potential individuals that could be impacted by legal action.

Response 30: The extension of liability coverage is to the RICE and its employees as defined in the rule, and is independent of funding amounts or sources that support the dissemination and use of observation data. The certification process is separate from the competitive grants process that NOAA uses to fund the development of regional observing systems and the regional entities that coordinate this development.

Certification Process

Comment 31: The draft rules define ''owned and/or operated'' as an asset that is supported financially in part or full by the RICE. This implies that we would be required to meet these standards even, if we are providing only a small portion of the operational costs for an asset. We recommend that this section be reworded to be less stringent and that the definition of ''owned and/or operated'' be changed to an asset that is supported financially in full by the RICE.

Response 31: This rule clearly defines ''owned and/or operated'' as including any asset that is supported financially in part or in full by the RICE, regardless of the amount of this support. To be certified, a RICE must meet the standards for all assets that fall within this ''owned and/or operated'' definition, even if the RICE provides relatively little funding to support those assets. NOAA stands by this definition and disagrees with the comment suggestion that this definition ''be changed to an asset that is supported financially in full by the RICE.'' In order to certify a RICE and extend liability protection under the Act, NOAA must ensure that all data distributed by that RICE, regardless of funding source or amount, meets quality assurance standards.

Comment 32: The description also fails to state that there will be one RICE per region. NOAA should clarify the language to state that, ''Existing Regional Associations in IOOS will be prioritized for the designation as the single RICE for IOOS in the region.''

Response 32: NOAA cannot accept the suggested text because it is inconsistent with the Act and would give preferential treatment to some applicants over others. The Act defines RICEs as including Regional Associations, but does not limit RICEs to only these entities. Further, the Act makes no mention of limiting the number of RICEs by geography or any other criteria. NOAA must review all applications it receives and objectively evaluate them against this rule's requirements.

NOAA is committed to having regional entities that cover the entire U.S. ocean and Great Lakes coasts. These regional entities are an important component of the overall IOOS system. NOAA has worked closely with the eleven regional associations that belong to the IOOS Association to develop the organizational and observing system capacity to serve in the role of a RICE, and expects that these entities will be well suited to become certified RICEs should they choose to apply. However, NOAA is required to consider all the applications that it receives for certification as a RICE.

Comment 33: Provide guidance on what happens if an RA chooses not to be certified or becomes decertified. Would they still be ''integrated into the System''? If a RICE is decertified, will they risk losing funding or other benefits?

Response 33: Certification is the formal process for incorporating a RICE into the System. A regional association that chooses to not pursue certification will not be formally incorporated into the System. If a RICE is decertified, that entity will no longer be incorporated into the System and will not receive the benefits of being a certified RICE. The certification process is separate from the competitive grants process that NOAA uses to fund the development of regional observing systems and the regional entities that coordinate this development. It is not the intent of NOAA to tie certification to the competitive funding program.

Comment 34: Section 997.13(c) requires written notification from the RICE to NOAA and approval by NOAA of any changes to the ''details originally provided'' for the Strategic Operational Plan (SOP). This language is too prescriptive and burdensome. An annual statement could be filed outlining any substantive changes at an RA. Change 997.13(c) to read: A certified RICE shall provide NOAA with written notification of the RICE's intention to substantively change its organizational structure or SOP.

Response 34: NOAA concurs that the original language is too prescriptive and has revised § 997.13(c) to now require a RICE to notify NOAA only when substantive changes are made to its organizational structure or Strategic Operational Plan, rather than when any changes to the details of the structure or Plan as published the proposed rule.

Comment 35: I recommend that the RICEs be given 45 days, not 30, to request in writing a reconsideration of NOAA's decision to decertify or to notify NOAA of corrective action.

Response 35: NOAA concurs and, based on this public comment, has revised § 997.15(c) to now state that RICEs have 45 days to request reconsideration of NOAA decision.

Comment 36: The rule should be amended to require that NOAA inform RICEs of the audit procedure that will be used, and also to provide adequate notice of its intent to audit. Under what conditions may NOAA audit a RICE? Will ''just cause'' be required to audit a RICE or can it be done randomly?

Response 36: NOAA concurs that a RICE be given notice of an audit and that NOAA will coordinate with the RICE on the timing and process for the audit. Section 997.15(a) has been revised to reflect this policy. NOAA reserves the right to conduct audits as needed to ensure the integrity of the certification process and will work with the RICEs to mitigate potential impacts of the audit.

Comment 37: The rules should acknowledge that compliance will depend on available resources. Each year, the IOOS Program Office works with individual RAs on descoping the annual budgets. This process should be used to fulfill this requirement. Approval by the U.S. IOOS Program Office of the annual spending plans through the descoping process should account for compliance with these regulations.

Response 37: Each organization must decide whether they are going to pursue and maintain certification based on their available resources. Certification is not dependent on any funding amount or agency funding opportunity, and as such, compliance with the certification requirements cannot be re-evaluated year to year based on funding levels. NOAA agrees that existing documents can serve the purpose of showing compliance with the certification requirements and has indicated this in section 997.20(b).

General Comments

Comment 38: Complying with this requirement would be a major new burden on our limited resources. NOAA is underestimating the time, effort, and expense that it will take to come into full compliance with the proposed regulations. The time anticipated to complete the application packet should be no more than one week (40 hours). We estimate it would take roughly 2–2.5 person-months effort for the initial submittal, ~1.5–2 person months every 5 years for recertification as requirement change, ~1 person month each year for annual compliance, and an unknown amount of time to comply with audit requirements. Any cooperative agreement with NOAA should be adjusted to reflect these real costs.

Response 38: The estimate of two or two and one half person months (320–400 hours) effort for the initial submittal is not far from the 293 hour estimate put forth in the proposed rule, and was done without the benefit of the rule implementation guidance that NOAA is developing. NOAA points out that this effort is only required every five years. We disagree with the estimate that annual compliance will require 160 hours of effort, and NOAA is committed to working with a RICE to mitigate the cost of any audit.

When estimating the amount of effort to submit an application, NOAA must include not just the time necessary to fill out the form and submit the application, but also the time estimated to meet the requirements for certification. This amount will vary depending on the relative maturity of the applicant organization.

Since no justification is given for the statement that the application packet should be no more than 40 hours, we can't respond to its viability.

NOAA disagrees with the comment that it should adjust its existing cooperative agreements with the entities that are interested in pursuing certification. Any applicant with a financial agreement with NOAA can direct their resources towards becoming certified. Through a series of cooperative agreements, NOAA has funded the eleven Regional Associations since FY 2005 to develop the organizational structure, operating procedures, and data management capacity necessary to serve in the role of RICEs. Certification is optional, and a Regional Association opting to pursue certification can re-prioritize existing resources to do so, since much of the effort, particularly the data management work, is consistent with their overall work plans established for these agreements. Finally, since application for certification is not mandatory, each organization can determine if the benefits of being certified is worth the cost.

Comment 39: This section should enumerate all potential benefits for a RICE for becoming certified.

Response 39: The potential benefits of a RICE becoming certified are identified in the ''Background'' and ''Classification'' sections in this rule.

Comment 40: The rule should clearly state that RICEs not seeking certification will not lose their future eligibility for funding, or the amount of funding they receive as a regional association within U.S. IOOS, or other penalties.

Response 40: U.S. IOOS will have regional entities that cover the entirety of the U.S. ocean, coast, and Great Lakes. These regional entities are an important component of the overall U.S. IOOS system. The certification process is separate from the competitive grants process that NOAA uses to fund the development of regional observing systems and the regional entities that coordinate this development. The establishment of a certification process is a requirement of the ICOOS Act and creates the formal process for incorporating a RICE into the System. It is not the intent of NOAA to tie certification to the competitive funding program, nor is it NOAA's intent to favor one regional entity over another based on certification decisions.

Comment 41: In general it is unclear what level of detail is required to satisfy the certification criteria. Detailed and reviewed examples of what would pass the process would be very useful. With an inevitable turn-over of personnel at both the US IOOS program office and in the regions, it is important the certification rules be as clear as possible about the requirements.

Response 41: NOAA will publish certification guidance online at *http://www.ioos.noaa.gov/certification* within 30 days of publishing the final rule in the **Federal Register**.

Comment 42: Certification requirements should be in proportion to the scale of the existing programs. For example, current funding levels do not allow for the clearest organizational design and while RAs may desire to have an observing system manager current funding levels may not allow such a position to exist.

Response 42; This final rule sets minimum requirements for certification based on the ICOOS Act language and the IOOC approved certification criteria. NOAA understands that regional entities are unique and has avoided being prescriptive in the requirements when possible.

Comment 43: We recommend that you keep implementation requirements as simple as possible, and tie them to the existing 5-year cooperative agreement proposals and annual descoped proposals. Execution of the cooperative agreement, also having a life-span of five years, would therefore serve as certification and meet the requirements of the ICOOS Act.

Response 43: The certification process is separate from the competitive grants process that NOAA uses to fund the development of regional observing systems and the regional entities that coordinate this development. The establishment of a certification process is a requirement of the ICOOS Act and creates the formal process for incorporating a RICE into the System. It is an agreement between NOAA, as the lead agency for the System, and the RICE. The cooperative agreements that

fund the development of regional IOOS are an agreement between the IOOS Program under NOAA and the regional associations that have been awarded funding through the competitive funding opportunity offered by NOAA. NOAA agrees that existing documents can serve the purpose of showing compliance with the certification requirements and has indicated this in the rule.

Comment 44: The criteria should facilitate the use of ocean acidification research and monitoring for implementation of the Clean Water Act. RICEs should be informed of Clean Water Act water quality criteria and be required to provide their monitoring data and other relevant information to EPA, tribes, and states for use during their water quality assessments. Data quality protocols should be preapproved by EPA, tribes, and coastal states so that ocean acidification data can automatically be used for water quality assessments.

Response 44: The U.S. IOOS supports the free and easy access to data by all stakeholders interested in ocean acidification. Many of the regional associations and their partners are actively collecting and distributing ocean acidification data. These organizations are working closely with federal and non-federal partners on data collection and data management processes.

Comment 45: State and industry monitoring programs under the Clean Water Act should be adapted to collect data relevant for ocean acidification.

Response 45: This recommendation is outside the scope of the ICOOS Act and the certification of RICEs.

Comment 46: As written the regulations impose burdens that are likely to prevent many non-federal data providers from contributing their important assets to the IOOS System. I request that NOAA review the regulations and where possible within the mandate of the law to simplify them and narrow their scope so as to encourage participation in the building of the IOOS rather than discourage it.

Response 46: The rule sets minimum requirements for certification based on the ICOOS Act language and the IOOC approved certification criteria. It is not NOAA's intent to create disincentives to participation in the U.S. IOOS, but to establish formally, the organizational qualities of a RICE and ensure a level of data collection, management, and distribution practices are in place. NOAA followed the notice and comment requirements set forth in the Administrative Procedure Act in the development of this action. NOAA has revised the rule based on the comments it received where possible, with the intent of improving the rule.

Comment 47: While many of the criteria related to governance might be good suggestions for organizational operations, they do not directly influence or improve the ability of a RICE to be ''integrated into the System,'' particularly in the context necessary to support indemnification for the collection, dissemination, and use of observation data.

Response 47: The requirements in this final rule are responsive to the language in the ICOOS Act and the IOOC approved Certification Criteria. Section 12304(c)(4)(A) of the ICOOS Act identifies the requirements a RICE shall meet, including those related to an organizational structure. These are further developed in the IOOC Certification Criteria and form the basis for the requirements contained in this rule.

Comment 48: This rule does not reflect the range of efforts that comprise IOOS including the concept of a spectrum of research and operations that was embraced and the 2012 IOOS Summit. Not all aspects of RA systems are operational (§ 997.23(f)(4)). DMAC processes should include those for modeling which is not mentioned in the certification requirements.

Response 48: NOAA disagrees that this rule does not reflect the range of efforts that comprise IOOS. The rule makes several references to the different components that make up the System, such as in § 997.21(a) and § 997.23(c)(2). This rule sets minimum requirements for certification based on the ICOOS Act language, which includes references to the System Plan, and the IOOC approved certification criteria. While a new concept of a spectrum of research and operations was put forth at the 2012 IOOS Summit, this concept has yet to be formally recognized in the way the System Plan has.

The focus is on creating a process to certify a RICE and incorporate it into the System. NOAA acknowledges that the requirements are not inclusive of all the activities that a RICE might engage in, such as modeling. As mentioned in Response 12, NOAA is not providing guidance on model output or any other non-observational data in the certification requirements at this time. Since the extension of liability protection covers observational data, the DMAC requirements are limited to observational data. NOAA will consider including requirements for activities like modeling in the future.

Comment 49: Certification should respect the operational integrity and independence of the RAs. One of the strengths of the RAs and benefits for NOAA is their ability to act nimbly and be responsive. The current regulations would curtail that ability.

Response 49: NOAA disagrees that this rule would curtail the ability of an RA to act nimbly and be responsive to regional issues and stakeholder needs. Since the comment provides no specifics on how the regulations would curtail the ability of the RAs to continue to act nimbly and be responsive to new priorities and needs, we cannot respond more substantially to it. NOAA has revised § 997.13(c) to now require a RICE to notify NOAA only when substantive changes are made to its organizational structure or Strategic Operational Plan, rather than when any changes to the details of the structure or Plan as published the proposed rule. NOAA must have in place a process to ensure accountability, but it does not intend to be involved in the day to day operations of the RICE.

Comment 50: We fear that the application of these rules, particularly on the data management and QA/QC process, may discourage data sharing, thereby setting back many of the gains made by the program to date and being counterproductive to the IOOS goal of increasing stakeholder access to data and fostering data discovery.

Response 50: NOAA has addressed some of the concerns received in the comments about the rule's data management requirements being onerous and discouraging data sharing by clarifying the rule requirements. The RICE may choose to make data contributors responsible for QC, or may perform the QC itself. Because the RICE can choose to perform QC of the data, we believe this requirement should not substantially deter other programs from sharing data through IOOS. Instead of being counterproductive to the U.S. IOOS goals and objectives, NOAA thinks the requirements for data quality assurance and quality control procedures strengthen the U.S. IOOS by ensuring data management practices are in place for all data that are distributed through the System.

Comment 51: We request that the US IOOS Program Office host discussion sessions with the IOOS community about the IOOS standards for metadata and quality assurance and how all the individual parts fit together.

Response 51: NOAA is happy to work with the IOOS community to discuss how standards for metadata and quality assurance, along with other data management processes fit together. The IOOS Program has regular discussions with the regional data management

community and continues to sponsor the QARTOD effort.

Classification

Executive Order 12866

Under Executive Order (E.O.) 12866, if the proposed regulations are a ''significant regulatory action'' as defined in § 3(f) of the Order, an assessment of the potential costs and benefits of the regulatory action must be prepared and submitted to the Office of Management and Budget (OMB). OMB has determined that this action is not a ''significant'' regulatory action under E.O. 12866.

Regulatory Flexibility Act

Pursuant to section 605 of the Regulatory Flexibility Act (RFA), at the proposed stage, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities.

During the public comment period for the proposed rule, NOAA received several comments from the IOOS Regional Associations regarding the economic impact of pursuing certification; NOAA did not receive any comment from the Small Business Administration (SBA) on the matter.

The comments NOAA received on the certification included that:

- NOAA is underestimating the time, effort, and expense that it will take to come into full compliance with the proposed regulations and would be a major new burden on the limited resources of the RICE.
- The assumption that the information needed to document compliance with the regulations is already generally available is incorrect. Several of the documents that are requested will need to be assembled and formatted from existing documents.
- The rule might have the unintended consequence of reducing the amount of non-federal data now being made available through the RICE's regional portals. NOAA responds to the comments as follows:

The Integrated Coastal and Ocean Observation System Act of 2009 (ICOOS Act or Act) directs NOAA to ''promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities into the System.'' This rule establishes the criteria and procedures for certifying and integrating RICEs into the Integrated Coastal and Ocean Observation System (System), in compliance with the ICOOS Act.

Specifically, the rule requires RICEs to provide NOAA with certain information about their organizational structures, financial capabilities and makeup, oversight, and data quality assurance methods in order to obtain certification under the ICOOS Act. In return for providing NOAA with data of known quality via replicable means and with oversight, NOAA will provide the RICEs with liability protection for activities related to their work on the dissemination and use of observation data. Integration into the System formally establishes the role of the RICE and ensures that the data collected and distributed by the RICE are managed according to the best practices, as identified by NOAA.

Currently, there are eleven RICEs that NOAA expects may be impacted by these regulations, corresponding to those entities that currently coordinate the regional ocean and coastal observing system efforts of the U.S IOOS. RICEs are generally partnerships of entities in the academic, private, governmental, tribal, and non-governmental sectors. Five of the RICEs are organized as not-for-profit organizations under § 501(c)(3) of the Internal Revenue Code; the other six are organized pursuant to Memorandums of Agreement between the constituent members. Most of these eleven RICEs employ from three to five full or part-time individuals, either directly or as contractors. Some or all of these RICEs may be considered ''small organizations'' under the RFA, although that status is unclear. 5 U.S.C. 601(4).

Regardless of organizing instrument, RICEs primarily depend on funds from NOAA for their operations. Through a series of cooperative agreements, NOAA has been funding these eleven RICEs since FY 2005 to develop the organizational structure, operating procedures, and data management capacity necessary to serve as the entities responsible for planning, coordinating, and operating the regional observing systems. Funding levels to build the organization and coordination capacity of these eleven RICEs, made available through these cooperative agreements, varies by region, but has typically ranged from $300K to $400K per year per RICE. In addition, beginning in FY 2008, each of these eleven RICEs entered into cooperative agreements with NOAA to support data collection, data management, and development of products and services. In FY 2012, the funding amounts for these eleven RICEs ranged from $1.4 million to $2.5 million per RICE.

This rule establishes generally applicable criteria for data collection and quality that all RICEs must meet, in order to be incorporated into the System and to obtain the liability protection under the Act. In the proposed rule, NOAA set out the expected time of 293 hours that RICEs may need to comply with these rules and submit their applications for incorporation. The additional documentation requirements will help ensure that all RICE data meets the same minimum standard of quality, and it will help NOAA verify compliance with this rule's requirements. NOAA acknowledges that undertaking these efforts may result in some significant time outlays by RICEs, in particular because it may require them to create new procedures to document data management practices. However, NOAA does not expect the RICEs will incur significant costs, but would instead re-prioritize existing resources, as a result of this rule, because these efforts will not affect their current funding agreements with NOAA, and much of the work, particularly the data management work, is consistent with their overall work plans established for these agreements.

NOAA will allow RICE's to use other documents they may already possess to demonstrate they meet certification requirements. Thus, NOAA does not expect the other costs associated with organizing and submitting the information required for certification to NOAA will be significant because in the case of the regional associations, this information is similar to what has been developed as part of their NOAA funded work.

Additionally, most RICEs have some data management and quality control procedures in place. NOAA acknowledges that satisfying the certification requirements may result in a RICE having to re-allocate existing funds to implement new data management practices, and to document that required data management practices are in place. NOAA based its hourly burden estimate on the time it would take a RICE, of average maturity, to meet the standards, but expects that some RICEs will expend less time and fewer resources to meet the new requirements. However, since the RICEs have different levels of data management maturity and have applied varied amounts of staff and financial resources towards data management, NOAA cannot determine the exact costs this rule may impose on any given RICE.

Finally, NOAA notes that this rule does not require RICEs to incur these expenses or time to become certified. RICEs may still apply for grants from NOAA, even if they are not certified. Indeed, NOAA expects those RICEs currently receiving NOAA funds under

the ICOOS Act to seek certification, but again, lack of certification does not preclude funding opportunities. NOAA does not intend to create disincentives to participate in the U.S. IOOS, but rather to formally establish the organizational qualities of a RICE to ensure a high uniform level of data collection, management, and distribution practices, which NOAA will certify. Therefore, if a RICE wants to be incorporated into the System, and receive the liability protection from NOAA the Act authorizes, then they will need to be certified which includes ensuring their data collection and management practices meet the standards set out in this rule.

Because this rule does not require RICEs to incur any costs to continue operating, but only if they seek certification and the benefits of liability protection under the ICOOS Act, and because the costs to RICEs that seek certification will vary, NOAA maintains that this rule will not have a significant economic impact on a substantial number of small entities. Therefore, no Regulatory Flexibility Analysis is required, and none has been prepared.

Nonetheless, in response to the comments to the certification under the RFA that NOAA received during the comment period to the propose rule, NOAA has made the following changes to this final rule:

- Revised § 997.15(a) to state that a RICE be given notice of an audit and that the NOAA will coordinate with the RICE on the timing and process for the audit.
- Revised § 997.13(c) to require a RICE only seek approval from NOAA for substantive changes to its organizational structure or Strategic Operational Plan.
- Revised § 997.15(c) to allow a RICE 45 days to request in writing a reconsideration of NOAA's decision to decertify or to notify NOAA of corrective action.
- Revised § 997.23(d)(4)(i) to bound the extent of the requirement to a tangible asset that is functionally complete for its intended purpose and has a capital cost of over $5000. Revised § 997.23(f)(3) to state that the RICE is not responsible for performing quality control on data it makes available that is accessed from a federal data source.
- Deleted the requirement (proposed as § 997.23(g)(2)) that a RICE describe it plans for diversifying funding sources.

Paperwork Reduction Act

This rule contains collection-of information requirements subject to the Paperwork Reduction Act (PRA), which OMB has approved under control number 0648–0672.

It is expected that there will be a total of eleven applicants, corresponding to those entities that currently coordinate the regional ocean and coastal observing system efforts of U.S. IOOS, that will pursue certification as a RICE. The response time for each applicant is estimated to be 290 hours. The burden of effort associated with the collection of information is needed to demonstrate that the necessary policies, standards, data, information, and services to function in the role of a RICE are appropriately established, coordinated, overseen and enforced.

During the public comment period for the proposed rule, NOAA received several comments regarding the estimated amount of effort necessary to develop and submit the information requested to document compliance with the certification requirements. In summary, these comments expressed that NOAA underestimates the time, effort, and expense that it will take to come into full compliance with the proposed regulations and would be a new burden on the limited resources of the RICE. These comments, and NOAA's response, are addressed in the ''Response to Comments'' section above.

NOAA did not receive any public comments on the application form; however the form was revised to incorporate the changes to the rule requirements. NOAA does not expect that these changes will result in any additional burden on applicants.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

Dated: May 30, 2014.

Holly A. Bamford,

Assistant Administrator for Ocean Services, and Coastal Zone Management.

List of Subjects in 15 CFR Part 997

Science and technology, Ocean observing, Certification requirements.

■ For the reasons set forth in the preamble, NOAA amends 15 CFR chapter IX by adding subchapter G, consisting of part 997, to read as follows:

Subchapter G—Requirements for Certification by NOAA of Non-Federal Assets Into the Integrated Coastal and Ocean Observation System

PART 997—REGIONAL INFORMATION COORDINATION ENTITIES

Subpart A—General

Sec.
997.1 Definitions.
997.2 Acceptance of procedures by a RICE.

Subpart B—Certification and Decertification Process for a Regional Information Coordination Entity (RICE)

997.10 Eligibility.
997.11 Application process.
997.12 Review by NOAA.
997.13 Certification process.
997.14 Certification duration and renewal.
997.15 Audit and decertification.
997.16 Final action.

Subpart C—Certification and Application Requirements for a RICE

997.20 General.
997.21 Organizational structure.
997.22 Membership policy.
997.23 Strategic operational plan.
997.24 Gaps identification.
997.25 Financial oversight.
997.26 Civil liability.

Authority: 33 U.S.C. 3603 *et seq.*

Subpart A—General

§ 997.1 Definitions.

Certification. For purposes of these regulations, the term ''certification'' means the granting by NOAA of status to a non-federal entity as a participating RICE of the System authorized by section 12304 of the ICOOS Act. An applicant will not be considered to be participating in the System unless 1) it agrees to meet the certification standards issued by the Administrator issued herein, and 2) the Administrator declares the applicant to be part of the System as a certified RICE.

Equipment. For purposes of these regulations, the term ''equipment'' is defined as a tangible asset that is functionally complete for its intended purpose and has a capital cost of over $5,000. Both individual sensors and collections of sensors on a platform are considered equipment and are subject to the $5,000 minimum cost.

Non-Federal assets. The term ''non-Federal assets'' means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through State, regional organizations, universities, nongovernmental organizations, or the private sector.

Owned and/or operated by the RICE. The term ''owned and/or operated by the RICE'' means non-Federal Assets that are either owned and/or operated directly by the RICE, or supported financially in part or in full by the RICE.

Regional Information Coordination Entity. The term ''regional information coordination entity'' means an organizational body that is certified or established by contract or memorandum by the lead Federal agency (NOAA) designated in the ICOOS Act, and that coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that satisfy the needs of user groups from the respective regions. The term ''regional information coordination entity'' includes regional associations described in the System Plan.

Employee of a Regional Information Coordination Entity. The term ''Employee of a Regional Information Coordination Entity'' means an individual identified in § 997.23(d)(3) or (f)(1) of these Regulations and satisfies the requirements listed in § 997.26(c).

System. The term ''System'' means the National Integrated Coastal and Ocean Observation System established in accordance with section 12304 of the ICOOS Act (33 U.S.C. 3603).

System Plan. The term ''System Plan'' means the plan contained in the document entitled ''Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan,'' as updated by the Council under these regulations.

§ 997.2 Acceptance of procedures by a RICE.

By its voluntary entrance or participation in the System, the RICE acknowledges and accepts the procedures and requirements established by these regulations.

Subpart B—Certification and Decertification Process for a Regional Information Coordination Entity (RICE)

§ 997.10 Eligibility.

Any non-Federal entity may submit an application for certification as a RICE as defined in the ICOOS Act and these Regulations.

§ 997.11 Application process.

(a) The applicant for certification shall submit an application package containing the information and documentation outlined in subpart C of this part. The submission package shall include the application form, available online at *http://www.ioos.noaa.gov/certification.*

(b) Submission shall be made to NOAA at the address below, or to such other address as may be indicated in the future: Director U.S. IOOS Program Office, NOAA, 1100 Wayne Ave, Suite 1225, Silver Spring, MD 20910. Submissions may also be made online at *http://www.ioos.noaa.gov/certification.*

§ 997.12 Review by NOAA.

(a) After receiving an application package, NOAA shall have up to 90 calendar days to review the application package and decide whether to certify the applicant.

(b) Before the 90 calendar days have elapsed, NOAA may request additional information, in which case NOAA shall have up to 30 additional calendar days after that additional information has been received by NOAA, above and beyond the original 90 calendar days, to review the application package and decide whether to certify the applicant.

(c) NOAA's decision whether to certify the applicant shall be based on whether the RICE demonstrates that it satisfies the current IOOC certification criteria and these regulations.

§ 997.13 Certification process.

(a) NOAA's decision whether to certify the applicant, along with the reason for its decision, shall be delivered to the applicant via letter delivered by first class mail and by electronic means.

(b) Applicants receiving a certification determination in the affirmative shall be designated as ''certified'' RICEs by NOAA. NOAA shall memorialize this status via a memorandum of agreement with the applicant. Certification shall mean that a RICE is incorporated into the System.

(c) A certified RICE shall provide NOAA with written notification of the RICE's intention to substantively change its organizational structure or Strategic Operational Plan, and shall request approval from NOAA for the change. After receiving the written notification, NOAA shall have up to 30 calendar days to review the requested change and decide whether to approve the requested change. NOAA's decision, along with the reason for its decision, shall be included in a written notification to the RICE.

§ 997.14 Certification duration and renewal.

(a) Certification of a RICE shall be for a term of 5 years, unless otherwise specified by the NOAA Administrator.

(b) Certification may be renewed, at the request of the RICE, for a period of five years. A RICE seeking to renew its certification shall provide NOAA with a written request to renew at least 120 calendar days before the expiration of the existing certification. The request shall include the application form, available online at *http://www.ioos.noaa.gov/certification,* and all information providing evidence that the applicant satisfies the IOOC certification criteria and NOAA regulations promulgated to certify and integrate non-Federal assets into the System.

(c) After receiving a written request for renewal of certification, NOAA shall have up to 90 calendar days to review the request and decide whether to renew the certification.

(d) Before the 90 calendar days have elapsed, NOAA may request additional information, in which case NOAA shall have up to 30 additional calendar days after that additional information has been received by NOAA, above and beyond the original 90 calendar days, to review the request and decide whether to renew the certification.

(e) NOAA's decision whether to renew the certification shall be based on whether the RICE continues to demonstrate that it satisfies the current IOOC certification criteria and these regulations. NOAA's decision, along with the reason for its decision, shall be included in a written notification to the RICE.

§ 997.15 Audit and decertification.

(a) NOAA may audit a RICE that it has certified to ensure compliance with the IOOC certification criteria and these regulations. NOAA will notify the RICE of its intent to conduct an audit and will coordinate with the RICE on the audit schedule and process.

(b) NOAA may decertify a RICE. In general, a RICE may be decertified when:

(1) The results of an audit indicate that the RICE no longer satisfies the requirements under which it was certified; or

(2) Other relevant reasons for decertification become apparent.

(c) NOAA's intent to decertify a RICE, along with the identification of a specific deficiency(ies) and a recommended corrective action(s), shall be included in a written notification to the RICE. After receiving NOAA's written notification, a RICE shall have up to 45 calendar days to request in writing that NOAA reconsider its intent to decertify the RICE. The RICE's request for reconsideration shall contain sufficient information for NOAA to determine whether to grant the request for reconsideration. Alternatively, the RICE may correct the deficiency(ies)

identified by NOAA within 45 calendar days, notify NOAA in writing of the corrective action(s) taken, and provide sufficient evidence for NOAA to determine the correctness and effectiveness of the corrective action(s) taken.

(d) If a RICE submits to NOAA a written request for reconsideration or a written assertion that the identified deficiency(ies) has been corrected, NOAA shall have up to 60 calendar days after receipt of the request or assertion, to review the request for reconsideration or the assertion of corrective action. NOAA's decision, along with the reason for its decision, shall be delivered to the applicant via letter delivered by first class mail and by electronic means.

(e) Upon decertification, a RICE shall no longer be incorporated into the System.

(f) A RICE may act voluntarily to terminate its certification at any time by notifying NOAA in writing of its desire to do so. Upon receipt of the notification by NOAA, the RICE will no longer be incorporated into the System.

§ 997.16 Final action.

NOAA's decision, whether to certify, renew or decertify a RICE shall be considered final agency action.

Subpart C—Certification and Application Requirements for a RICE

§ 997.20 General.

(a) For the purposes of these certification regulations, when the verb ''describe'' is used it indicates that the RICE shall give an account in text that responds to the requirement. This text shall contain sufficient information to demonstrate how the RICE satisfies the certification requirement. The RICE may include a link(s) to additional information. When the verb ''document'' is used, it indicates that the RICE shall furnish a document(s) that responds to the requirement. A text statement accompanying the document(s) will normally be necessary to provide context for the document(s) and to demonstrate how the RICE satisfies the certification requirement. The RICE may include a link to a document in the accompanying text statement.

(b) Documentation that addresses the certification requirements may include references to existing RICE documents. All documents and materials may be submitted directly to the U.S. IOOS Program Office or made accessible for public viewing on the RICE's Web site.

(c) To become certified, a RICE must submit an application that addresses each of the requirements listed in this subpart.

§ 997.21 Organizational structure.

(a) To become certified, a RICE must demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users and beneficiaries of the System and other requirements specified in this subchapter and the System Plan.

(b) The application shall:

(1) Describe the RICE's organizational structure (e.g., 26 U.S.C. 501(c)(3) tax-exempt organization, establishment via MOU or MOA).

(2) Document the RICE's ability to satisfy applicable legal criteria for accepting and disbursing funds, and entering into agreements. Sufficient documentation may be provided in the form of: Evidence of a current grant, cooperative agreement, or contract in good standing with the Federal government; or evidence of fiscal agreements, standard operating procedures for financial activities, and proof of an audit process.

(3) Document the RICE's measures for addressing issues of accountability and liability. For this criterion, accountability and liability refer to the RICE's governance and management activities. Sufficient documentation may be provided in the form of a conflict of interest policy for the Governing Board or governing body, which clearly states that a member of the governing board will declare any conflict of interest he or she may have and will recuse him or herself from associated funding decisions that may result in the Board member or a direct family member benefiting financially, and a policy statement in the RICE's by-laws that addresses liability issues.

(4) Describe the process the RICE uses to set priorities for distributing funds (e.g., requirement for Governing Board or governing body approval when responding to funding opportunities or adjusting to funding level changes in existing agreements); and

(5) Document the by-laws, signed articles of agreement, or any binding agreements that demonstrate how the RICE establishes and maintains a Governing Board or governing body. The documentation shall demonstrate:

(i) How the composition of the Governing Board or governing body is selected and how it is representative of regional ocean observing interests. NOAA defines ''representative'' in this specific context to include geographic, sector, expertise, and stakeholder considerations.

(ii) How and with what frequency the RICE solicits and receives advice on RICE participant diversity, stakeholder coordination, and engagement strategies, to ensure the provision of data and information that satisfy the needs of user groups.

(iii) How the RICE collects and assesses user feedback to gauge the effectiveness of the regional system and subsystems in satisfying user needs, and how the RICE responds to this user feedback in setting its priorities. Sufficient documentation may be provided in the form of a description of the method the RICE uses in its annual planning process to assess priorities among the identified user needs in the region and to respond to those user needs, and

(iv) Steps the RICE takes to ensure decisions on priorities and overall regional system design are transparent and available. At a minimum, RICE priorities and regional system design decisions shall be made accessible for public viewing on the RICE's Web site.

§ 997.22 Membership policy.

The application shall describe:

(a) The process by which individuals or organizations may formally participate in the governance activities of the RICE;

(b) The rights and responsibilities of this participation;

(c) The process by which the RICE strives for organizational diversity through intra-regional geographic representation, and diversity of activities and interests from both public and private sectors; and

(d) How the RICE allows for participation from adjacent regions or nations.

§ 997.23 Strategic operational plan.

(a)(1) To become certified, a RICE must:

(i) Develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council; and

(ii) Work cooperatively with governmental and non-governmental entities to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities.

(2) The application must contain a Strategic Operational Plan, which is a

high-level document that outlines how a RICE manages and operates an integrated regional observing system. This Plan should evolve as a RICE matures, new technologies become available, regional priorities change, and new users and stakeholders are identified. The Plan may be responsive to changing funding levels, and shall contain sections that each address the requirements in paragraphs (b) through (g) of this section, referencing other plans directly when applicable.

(b) *Background and Context.* The Strategic Operational Plan shall contain a Background and Context section that describes:

(1) The role of the RICE in furthering the development of the regional component of the System;

(2) The process by which the RICE updates the Strategic Operational Plan at least once every five years and how the RICE seeks inputs from the broader user community; and

(3) The RICE's primary partners and any contributing observing systems. For the purposes of § 997.23, NOAA defines a primary partner as any organization or individual that contributes significant staff time, funding or other resources to project activities. This is not an exhaustive list of all RICE partners but the primary partners the RICE is working with on a given project.

(c) *Goals and Objectives.* The Strategic Operational Plan shall contain a Goals and Objective section that describe:

(1) How the RICE addresses marine operations; coastal hazards; ecosystems, fisheries and water quality; and climate variability and change; and

(2) The major objectives that guide the RICE's priorities for data collection and management, development of products and services, research and development, and education and outreach.

(d) *Operational Plan for the Observing System.* The Strategic Operational Plan shall include or reference an Operational Plan for the Observing System that:

(1) Describes the desired outcomes of the observing system;

(2) Describes the elements of the operational integrated observing system that will deliver those outcomes;

(3) Documents to NOAA's satisfaction that the individual(s) responsible for RICE operations has the necessary qualifications and possesses relevant professional education and work experience to deliver observations successfully. At a minimum the Strategic Operational Plan shall:

(i) Identify the individual(s) responsible for overall RICE management;

(ii) Identify, as applicable, the individual(s) responsible for observations system management across the region;

(iii) Provide the curriculum vitae for each identified individual; and

(iv) Identify the procedures used to evaluate the capability of the individual(s) identified in § 997.23(d)(3) to conduct the assigned duties responsibly; and

(4) Describes how the RICE manages ongoing regional system operations and maintenance. At a minimum the Strategic Operational Plan shall:

(i) Describe the RICE's standard operating procedures for calibrating, validating, operating, and maintaining equipment owned and/or operated by the RICE regularly and in accordance with manufacturer guidance or industry best practice. Equipment is defined in § 997.1; and

(ii) Describe the RICE's standard operating procedures for maintaining equipment inventories, shipping logs and instrument history logs for equipment owned and/or operated by the RICE.

(e) *Development of a Strategy to Sustain and Enhance the System.* The Strategic Operational Plan shall describe its strategy for balancing changes in regional priorities with the need to maintain established data sets, the primary value of which may be in their long-term records. At a minimum the description shall:

(1) Identify the guiding principles that inform the strategy;

(2) Reference and show connections to a long-term (five-to-ten-year) regional Build-out Plan for the full implementation of the regional observing system based on the RICE's priorities and identified user needs; and

(3) Relate the annual planning process the RICE uses to review its priorities in light of funding levels and its plans for system enhancement as outlined in the regional Build-out Plan.

(f) *Data Management and Communications (DMAC) Plan.* The Strategic Operational Plan shall include or reference a DMAC Plan that:

(1) Documents to NOAA's satisfaction that the individual(s) responsible for management of data operations for the RICE has the necessary technical skills, and possesses relevant professional education and work experience to support DMAC capabilities and functionality for the System. At a minimum the DMAC Plan shall:

(i) Identify the individual(s) responsible for the coordination and management of observation data across the region;

(ii) Provide the curriculum vitae for the identified individual(s); and

(iii) Identify the procedures used to evaluate the capability of the individual(s) identified in § 997.23(f)(1) to conduct the assigned duties responsibly.

(2) Describes how data are ingested, managed and distributed, including a description of the flow of data through the RICE data assembly center from the source to the public dissemination/access mechanism. The description shall include any transformations or modifications of data along the data flow pathway including, but not limited to, format translations or aggregations of component data streams into an integrated product.

(3) Describes the data quality control procedures that have been applied to data, not obtained through a federal data source, that are distributed by the RICE. All data shall be quality controlled and QARTOD procedures shall be employed for data with QARTOD manuals. For each data stream, describe the quality control procedure applied to the data, by the RICE or other named entity, between the data's collection and publication by the RICE. The description will also include a reference to the procedure used.

(4) Adheres to the NOAA Data Sharing Procedural Directive.[1] The System is an operational system; therefore the RICE should strive to provide as much data as possible, in real-time or near real-time, to support the operation of the System. When data are collected in part or in whole with funds distributed to a RICE through the U.S. IOOS Program Office, the RICE should strive to make the data available as soon as logistically feasible for each data stream. When data are not collected with funds distributed to a RICE through the U.S. IOOS Program Office, the data may be made available in accordance with any agreement made with the data provider.

(5) Describes how the RICE will implement data management protocols promulgated by the IOOC and the U.S. IOOS Program Office in a reasonable and timely manner as defined for each protocol; and

(6) Documents the RICE's data archiving process or describes how the RICE intends to archive data at a national archive center (e.g., NODC, NGDC, NCDC) in a manner that follows guidelines outlined by that center. Documentation shall be in the form of

[1] NOAA Data Sharing Policy for Grants and Cooperative Agreements Procedural Directive, Version 2.0 *https://www.nosc.noaa.gov/EDMC/documents/EDMC_PD-DSPNG_final_v2.pdf.*

a Submission Agreement, Submission Information Form (SIF) or other, similar data producer-archive agreement.

(g) *Budget Plan.* The Strategic Operational Plan shall include or reference a Budget Plan that:

(1) Identifies who supports the RICE financially;

(2) Identifies how RICE priorities guide funding decisions; and

(3) Assesses funding constraints and the associated risks to the observing System that the RICE must address for the future.

§ 997.24 Gaps identification.

(a) To become certified, a RICE must identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of annual and long-terms plans and transmit such information to the Interagency Ocean Observing Committee via the Program Office.

(b) The application shall:

(1) Document that the RICE's asset inventory contains up-to-date information. This could be demonstrated by a database or portal accessible for public viewing and capable of producing a regional summary of observing capacity;

(2) Provide a regional Build-out Plan that identifies the regional priorities for products and services, based on its understanding of regional needs, and a description of the integrated system (observations, modeling, data management, product development, outreach, and R&D). The RICE shall review and update the Build-out Plan at least once every five years; and

(3) Document the priority regional gaps in observation coverage needs, as determined by an analysis of the RICE asset inventory and Build-out Plan. The RICE shall review and update the analysis of priority regional gaps in observation coverage needs at least once every five years.

§ 997.25 Financial oversight.

(a) To become certified, a RICE must comply with all financial oversight requirements established by the Administrator, including requirement relating to audits.

(b) The application shall document compliance with the terms and conditions set forth in 2 CFR Part 215—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations, Subpart C—Post Award Requirements. Subpart C prescribes standards for financial management systems, among others. (Compliance with this criterion can be demonstrated by referencing any existing grant, cooperative agreement, or contract the RICE has with NOAA.)

(c) The RICE shall document annually the RICE's operating and maintenance costs for all observing platforms and sensors, etc., owned and/or operated by the RICE. This information shall be made available to NOAA upon request.

§ 997.26 Civil liability.

(a) For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to the ICOOS Act and these regulations, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(b) The ICOOS Act's grant of civil liability protection (and thus the RICE's limited status as part of NOAA) applies only to a RICE that:

(1) Is participating in the System, meaning the RICE has been certified by NOAA in accordance with the ICOOS Act and these regulations; and

(2) Has been integrated into the System by memorandum of agreement with NOAA.

(c) An ''employee'' of a regional information coordination entity is an individual who satisfies all of the following requirements:

(1) The individual is employed or contracted by a certified RICE that has been integrated into the System by memorandum of agreement with NOAA, and that is participating in the System, as defined in § 997.26(b);

(2) The individual is identified by the RICE, as required in § 997.23(d)(3) and (f)(1)(i), as one of the individuals responsible for the collection, management, or dissemination of ocean, coastal, and Great Lakes observation data; and

(3) The individual is responsive to federal government control.

(d) The protection afforded to employees of a RICE with regard to liability applies only to specific individuals employed or contracted by a RICE who meet the requirements of § 997.26(c) and who are responsible for the collection, management, or dissemination of ocean, coastal, and Great Lakes observation data. The RICE must identify to NOAA's satisfaction: The individual(s) responsible for overall system management, as applicable, the individual(s) responsible for observations system management across the region, and the individual(s) responsible for management of data operations across the region. In accepting certification, the RICE will concede to NOAA the power to ensure these individuals comply with the requirements of this rule in their daily operations and that they are responsive to NOAA through the agreement the RICE has with NOAA.

[FR Doc. 2014–13034 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 317

[Docket No. FDA–2012–N–1037]

RIN 0910–AG92

Establishing a List of Qualifying Pathogens Under the Food and Drug Administration Safety and Innovation Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or Agency) is issuing a regulation to establish a list of ''qualifying pathogens'' that have the potential to pose a serious threat to public health. This final rule implements a provision of the Generating Antibiotic Incentives Now (GAIN) title of the Food and Drug Administration Safety and Innovation Act (FDASIA). GAIN is intended to encourage development of new antibacterial and antifungal drugs for the treatment of serious or life-threatening infections, and provides incentives such as eligibility for designation as a fast-track product and an additional 5 years of exclusivity to be added to certain exclusivity periods. Based on analyses conducted both in the proposed rule and in response to comments to the proposed rule, FDA has determined that the following pathogens comprise the list of ''qualifying pathogens:'' *Acinetobacter* species, *Aspergillus* species, *Burkholderia cepacia* complex, *Campylobacter* species, *Candida* species, *Clostridium difficile,*

Coccidioides species, *Cryptococcus* species, Enterobacteriaceae (e.g., *Klebsiella pneumoniae*), *Enterococcus* species, *Helicobacter pylori, Mycobacterium tuberculosis* complex, *Neisseria gonorrhoeae, N. meningitidis,* Non-tuberculous mycobacteria species, *Pseudomonas* species, *Staphylococcus aureus, Streptococcus agalactiae, S. pneumoniae, S. pyogenes,* and *Vibrio cholerae.* The preamble to the proposed rule described the factors the Agency considered and the methodology used to develop the list of qualifying pathogens. As described in the preamble of this final rule, FDA applied those factors and that methodology to additional pathogens suggested via comments on the proposed rule.

DATES: This rule is effective July 7, 2014.

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

FOR FURTHER INFORMATION CONTACT: Kristiana Brugger, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6262, Silver Spring, MD 20993–0002, 301–796–3601.

SUPPLEMENTARY INFORMATION:

Table of Contents

Executive Summary
I. Background: FDASIA Requirements
II. Proposed Rule and Final Rule
A. Finalization of Factors Considered and Methodology Used for Establishing a List of Qualifying Pathogens
B. Finalization of Statutory Interpretation
C. Finalization of Proposed Pathogens for Inclusion on the List
D. Summary of Additional Pathogens on the List of Qualifying Pathogens
III. Comments to the Proposed Rule and FDA's Responses
A. Statutory Interpretation and Proposed Factors for Consideration
B. Miscellaneous Comments
C. Comments on Previously Proposed Pathogens
D. Suggestions for Additional Qualifying Pathogens
IV. Environmental Impact
V. Analysis of Economic Impact
A. Final Regulatory Impact Analysis
B. Background
C. Need for and Potential Effect of the Regulation
VI. Paperwork Reduction Act
VII. Federalism
VIII. References

Executive Summary

Purpose of the Regulatory Action

Title VIII of FDASIA (Pub. L. 112–144), the GAIN title, is intended to encourage development of new antibacterial and antifungal drugs for the treatment of serious or life-threatening infections. Among other things, GAIN requires that the Secretary of the Department of Health and Human Services (and thus FDA, by delegation): (1) Establish and maintain a list of ''qualifying pathogens'' that have ''the potential to pose a serious threat to public health'' and (2) make public the methodology for developing the list (see section 505E(f) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by FDASIA) (21 U.S.C. 355f(f)). In establishing and maintaining the list of ''qualifying pathogens,'' FDA must consider the following factors: The impact on the public health due to drug-resistant organisms in humans; the rate of growth of drug-resistant organisms in humans; the increase in resistance rates in humans; and the morbidity and mortality in humans (see section 505E(f)(2)(B)(i) of the FD&C Act). FDA also is required to consult with infectious disease and antibiotic resistance experts, including those in the medical and clinical research communities, along with the Centers for Disease Control and Prevention (CDC) (see section 505E(f)(2)(B)(ii) of the FD&C Act). FDA issued a proposed rule on June 12, 2013 (78 FR 35155), and, after analyzing comments to that proposed rule, is issuing this final rule in fulfillment of the statutory requirements described above.

Summary of the Major Provisions of the Regulatory Action

After holding a public meeting and consulting with CDC and the National Institutes of Health (NIH), and considering the factors specified in section 505E(f)(2)(B)(i) of the FD&C Act, FDA proposed on June 12, 2013, that the following pathogens comprise the list of ''qualifying pathogens:'' *Acinetobacter* species, *Aspergillus* species, *Burkholderia cepacia* complex, *Campylobacter* species, *Candida* species, *Clostridium difficile,* Enterobacteriaceae (e.g., *Klebsiella pneumoniae*), *Enterococcus* species, *Mycobacterium tuberculosis* complex, *Neisseria gonorrhoeae, N. meningitidis,* Non-tuberculous mycobacteria species, *Pseudomonas* species, *Staphylococcus aureus, Streptococcus agalactiae, S. pneumoniae, S. pyogenes,* and *Vibrio cholerae.* The preamble to the proposed rule describes the factors FDA considered and the methodology FDA used to develop this list of qualifying pathogens. After analyzing comments to the proposed rule, FDA has decided to retain the previously proposed methodology for developing the list of qualifying pathogens and will include the pathogens identified in the proposed rule on the list of qualifying pathogens. FDA also has applied the methodology set forth in the proposed rule to additional pathogens suggested by comments to the proposed rule. Based on these analyses, FDA also will add *Coccidioides* species, *Cryptococcus* species, and *Helicobacter pylori* to the list of qualifying pathogens. The table below describes the pathogen lists for the proposed and final rule for comparison:

Proposed rule	Final rule
Acinetobacter species	*Acinetobacter* species.
Aspergillus species	*Aspergillus* species.
Burkholderia cepacia complex	*Burkholderia cepacia* complex.
Campylobacter species	*Campylobacter* species.
Candida species	*Candida* species.
Clostridium difficile	*Clostridium difficile.*
Enterobacteriaceae	*Enterobacteriaceae.*
Enterococcus species	*Enterococcus* species.
Mycobacterium tuberculosis complex	*Mycobacterium tuberculosis* complex.
Neisseria gonorrhoeae	*Neisseria gonorrhoeae.*
Neisseria meningitidis	*Neisseria meningitidis.*
Non-tuberculous mycobacteria species	Non-tuberculous mycobacteria species.
Pseudomonas species	*Pseudomonas* species.
Staphylococcus aureus	*Staphylococcus aureus.*
Streptococcus agalactiae	*Streptococcus agalactiae.*

Proposed rule	Final rule
Streptococcus pneumoniae	*Streptococcus pneumoniae.*
Streptococcus pyogenes	*Streptococcus pyogenes.*
Vibrio cholerae	*Vibrio cholerae.*
	Coccidioides species.
	Cryptococcus species.
	Helicobacter pylori.

Costs and Benefits

The Agency has determined that this rule is not a significant regulatory action as defined by Executive Order 12866.

I. Background: FDASIA Requirements

Title VIII of FDASIA (Pub. L. 112–144), entitled Generating Antibiotic Incentives Now, amended the FD&C Act to add section 505E, among other things. This new section of the FD&C Act is intended to encourage development of treatments for serious or life-threatening infections caused by bacteria or fungi. For certain drugs that are designated as ''qualified infectious disease products'' (QIDPs) under new section 505E(d) of the FD&C Act, new section 505E(a) provides an additional 5 years of exclusivity to be added to the exclusivity periods provided by sections 505(c)(3)(E)(ii) to (c)(3)(E)(iv) (21 U.S.C. 355(c)(3)(E)(ii) to (c)(3)(E)(iv)), 505(j)(5)(F)(ii) to (j)(5)(F)(iv) (21 U.S.C. 355(j)(5)(F)(ii) to (j)(5)(F)(iv)), and 527 (21 U.S.C. 360cc) of the FD&C Act. In addition, an application for a drug designated as a QIDP is eligible for priority review and designation as a fast track product (sections 524A and 506(a)(1) of the FD&C Act (21 U.S.C. 356n–I and 556(a)(1)), respectively).

The term ''qualified infectious disease product'' or ''QIDP'' refers to an antibacterial or antifungal human drug that is intended to treat serious or life-threatening infections (section 505E(g) of the FD&C Act). The term includes treatments for diseases caused by antibacterial- or antifungal-resistant pathogens (including new or emerging pathogens), or diseases caused by ''qualifying pathogens.''

The GAIN title of FDASIA requires that the Secretary of the Department of Health and Human Services (and thus FDA, by delegation) establish and maintain a list of such ''qualifying pathogens,'' and make public the methodology for the developing the list. According to the statute, ''the term 'qualifying pathogen' means a pathogen identified and listed by the Secretary . . . that has the potential to pose a serious threat to public health, such as[:] (A) resistant gram positive pathogens, including methicillin-resistant *Staphylococcus aureus,* vancomycin-resistant *Staphylococcus aureus,* and vancomycin-resistant *[E]nterococcus;* (B) multi-drug resistant gram[-]negative bacteria, including *Acinetobacter, Klebsiella, Pseudomonas,* and *E. coli* species; (C) multi-drug resistant tuberculosis; and (D) *Clostridium difficile''* (section 505E(f)(1) of the FD&C Act). FDA is required under the law to consider four factors in establishing and maintaining the list of qualifying pathogens:

- The impact on the public health due to drug-resistant organisms in humans;
- the rate of growth of drug-resistant organisms in humans;
- the increase in resistance rates in humans; and
- the morbidity and mortality in humans (section 505E(f)(2)(B)(i) of the FD&C Act).

Further, in determining which pathogens should be listed, GAIN requires FDA to consult with infectious disease and antibiotic resistance experts, including those in the medical and clinical research communities, along with the CDC, in determining which pathogens should be included on the list of ''qualifying pathogens'' (section 505E(f)(2)(B)(ii) of the FD&C Act). To fulfill this statutory obligation, on December 18, 2012, FDA convened a public hearing, at which the Agency solicited input regarding the following topics: (1) How FDA should interpret and apply the four factors FDASIA requires FDA to ''consider'' in establishing and maintaining the list of qualifying pathogens; (2) whether there are any other factors FDA should consider when establishing and maintaining the list of qualifying pathogens; and (3) which specific pathogens FDA should list as qualifying pathogens (77 FR 68789, November 16, 2012). The transcript of this hearing, as well as comments submitted to the hearing docket, are available at *http://www.regulations.gov,* docket number FDA–2012–N–1037. FDA considered carefully the input presented at this hearing, as well as the comments submitted to the hearing docket, in creating the list of qualifying pathogens.[1] In addition, FDA consulted with experts in infectious disease and antibiotic resistance at CDC and NIH during the development of both the proposed and the final rule.

II. Proposed Rule and Final Rule

On June 12, 2013, FDA published the proposed rule, ''Establishing a List of Qualifying Pathogens Under the Food and Drug Administration Safety and Innovation Act'' (78 FR 35155). In the proposed rule, the Agency set forth the factors it proposed to consider and the methodology it proposed to use in establishing the list of qualifying pathogens, as well as its interpretation of statutory language. The Agency concluded with extensive analyses of the 18 pathogens proposed for inclusion on the list of ''qualifying pathogens.'' FDA's decisions regarding the proposed rule are described in sections III.A, III.B, III.C, and IV.

A. Finalization of Factors Considered and Methodology Used for Establishing a List of Qualifying Pathogens

After reviewing the comments submitted to the docket (see section IV), the Agency has decided to finalize the proposed factors for consideration and methodology for establishing the list of qualifying pathogens, and has reiterated them below for convenience.

As stated previously, section 505E(f)(2)(B)(i) of the FD&C Act requires FDA to consider the following factors in establishing and maintaining the list of qualifying pathogens:

- The impact on the public health due to drug-resistant organisms in humans;
- the rate of growth of drug-resistant organisms in humans;
- the increase in resistance rates in humans; and
- the morbidity and mortality in humans.

The Agency recognizes it is important to take a long-term view of the drug resistance problem. For some pathogens, particularly those for which increased resistance is newly emerging, FDA recognizes that there may be gaps in the available data or evidence pertaining to

[1] The public hearing and this rule share docket numbers because they are part of the same rulemaking process. Accordingly, the documents from the public hearing phase of Docket No. FDA–2012–N–1037 are included in the docket for this rulemaking.

one or more of the four factors described in section 505E(f)(2)(B)(i) of the FD&C Act. Thus, consistent with GAIN's purpose of encouraging the development of treatments for serious or life-threatening infections caused by bacteria or fungi, the Agency intends to consider the totality of available evidence for a particular pathogen to determine whether that pathogen should be included on the list of qualifying pathogens. Therefore, if, after considering the four factors identified in section 505E(f)(2)(B)(i) of the FD&C Act, FDA determines that the totality of available evidence demonstrates that a pathogen ''has the potential to pose a serious threat to public health,'' the Agency will identify the pathogen in question as a ''qualifying pathogen.'' More detailed explanations of each factor identified in section 505E(f)(2)(B)(i) of the FD&C Act are set forth in the paragraphs that follow.

1. The Impact on the Public Health Due to Drug-Resistant Organisms in Humans

This first factor that section 505E(f)(2)(B)(i) of the FD&C Act requires FDA to consider is also the broadest. Many factors associated with infectious diseases affect public health directly, such as a pathogen's ease of transmission, the length and severity of the illness it causes, the risk of mortality associated with its infection, and the number of approved products available to treat illnesses it causes. Additionally, although the Agency did not consider financial costs in its analyses for this proposed list of qualifying pathogens, we note that the published literature supports the conclusion that antimicrobial-resistant infections are associated with higher healthcare costs (see, e.g., Refs. 1 and 2; Ref. 3 at pp. 807, 810, 812).

In considering a proposed pathogen's impact on the public health due to drug-resistant organisms in humans, FDA will assess such evidence as: (1) The transmissibility of the pathogen and (2) the availability of effective therapies for treatment of infections caused by the pathogen, including the feasibility of treatment administration and associated adverse effects. However, FDA also may assess other public health-related evidence, including evidence that may indicate a highly prevalent pathogen's ''potential to pose a serious threat to public health'' due to the development of drug resistance in that pathogen, even if most documented infections are currently drug susceptible.

2. The Rate of Growth of Drug-Resistant Organisms in Humans and the Increase in Resistance Rates in Humans

The second and third factors that FDA must consider overlap substantially with one another and, for the most part, are assessed using the same trends and information. Therefore, the Agency will analyze these factors together.

In considering these factors with respect to a pathogen, FDA will assess such evidence as: (1) The proportion of patients whose illness is caused by a drug-resistant isolate of a pathogen (compared with those whose illness is caused by more widely drug-susceptible pathogens); (2) the number of resistant clinical isolates of a particular pathogen (e.g., the known incidence or prevalence of infection with a particular resistant pathogen); and (3) the ease and frequency with which a proposed pathogen can transfer and receive resistance-conferring elements (e.g., plasmids encoding relevant enzymes, etc.). Given the temporal limitations on infectious disease data, FDA also will consider evidence that a given pathogen currently has a strong potential for a meaningful increase in resistance rates. Evidence of the potential for increased resistance may include, for example, projected (rather than observed) rates of drug resistance for a given pathogen, and current and projected geographic distribution of a drug-resistant pathogen. Furthermore, in acknowledgement of the growing problem of drug resistance, FDA also may assess other available evidence demonstrating either existing or potential increases in drug resistance rates.

3. The Morbidity and Mortality in Humans

Patients infected with drug-resistant pathogens are inherently more challenging to treat than those infected with drug-susceptible pathogens. For example, in some cases, a patient infected with a drug-resistant pathogen may have a delay in the initiation of effective drug therapy that can result in poor outcomes for such patients. Consequently, in determining whether a pathogen should be included on the list, FDA will consider the rates of mortality and morbidity (the latter as measured by, e.g., duration of illness, severity of illness, and risk and extent of sequelae from infections caused by the pathogen, and risk associated with existing treatments for such infections) associated with infection by that pathogen generally—and particularly by drug-resistant strains of that pathogen.

Setting quantitative thresholds for inclusion on the list based on any prespecified endpoint would be inconsistent with FDA's approach of considering a totality of the evidence related to a given pathogen, as well as infeasible given the variety of pathogens under consideration. Instead, in considering whether this factor weighs in favor of including a given pathogen, the Agency will look for evidence of a meaningful increase in morbidity and mortality rates when infection with a drug-resistant strain of a pathogen is compared to infection with a more drug-susceptible strain of that pathogen. The Agency may also assess other evidence, such as overall morbidity and mortality rates for infection with either resistant or susceptible strains of a pathogen to determine whether that pathogen has the potential to pose a serious threat to public health, in particular if drug-resistant isolates of the pathogen were to become more prevalent in the future.

B. Finalization of Statutory Interpretation

As FDA explained in the proposed rule (78 FR 35155 at 35156) and affirms in this final rule, the statutory standard for inclusion on FDA's list of qualifying pathogens is different from the statutory standard for QIDP designation. QIDP designation, by definition, requires that the drug in question be an ''antibacterial or antifungal drug for human use intended to treat serious or life-threatening infections'' (section 505E(g) of the FD&C Act). ''Qualifying pathogens'' are defined according to a different statutory standard; the term means ''a pathogen identified and listed by the Secretary . . . that has the *potential* to pose a serious threat to public health'' (section 505E(f) of the FD&C Act) (emphasis added). That is, a drug intended to treat a serious or life-threatening bacterial or fungal infection caused by a pathogen that is not included on the list of ''qualifying pathogens'' may be eligible for designation as a QIDP, while a drug that is intended to treat an infection caused by a pathogen on the list may not always be eligible for QIDP designation. After reviewing the comments to the docket on this point (see section IV.A), FDA's understanding of these statutory standards remains unchanged.

To alleviate confusion regarding this issue, FDA also clarifies that vaccine applications are ineligible for QIDP designation under the GAIN title of FDASIA. Vaccines are biological products whose applications for approval are submitted under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262). QIDPs,

however, must be human drugs whose applications are submitted pursuant to section 505(b) of the FD&C Act. Thus, under the law, vaccines are ineligible for QIDP designation.

As stated in the proposed rule (78 FR 35156) and affirmed in this final rule, FDA intends the list of qualifying pathogens to reflect the pathogens that, as determined by the Agency, after consulting with other experts and considering the factors set forth in FDASIA (see section 505E(f)(2)(B)(i) of the FD&C Act), have the ''potential to pose a serious threat to public health'' (section 505E(f)(1) of the FD&C Act). FDA does not intend for this list to be used for other purposes, such as the following: (1) Allocation of research funding for bacterial or fungal pathogens; (2) setting of priorities in research in a particular area pertaining to bacterial or fungal pathogens; or (3) direction of epidemiological resources to a particular area of research on bacterial or fungal pathogens. Furthermore, as section 505E of the FD&C Act makes clear, the list of qualifying pathogens includes only bacteria or fungi that have the potential to pose a serious threat to public health. Viral pathogens or parasites, therefore, were not considered for inclusion and are not included as part of this list.

C. Finalization of Proposed Pathogens for Inclusion on the List

FDA's proposed rule concluded with an analysis of the 18 pathogens the Agency proposed to identify as qualifying pathogens. After reviewing the comments to the docket (see section IV.C), FDA is finalizing its analyses of the 18 proposed pathogens as written in the proposed rule (see 78 FR 35155 at 35158 through 35166), which are incorporated by reference herein, and is identifying all 18 proposed pathogens as ''qualifying pathogens'' in § 317.2 (21 CFR 317.2).

D. Inclusion of Additional Pathogens on the List of Qualifying Pathogens

In response to comments, FDA has added three additional pathogens (*Coccidiodes* species, *Cryptococcus* species, and *Helicobacter pylori*) to the list of qualifying pathogens (see section IV.D).

III. Comments to the Proposed Rule and FDA's Responses

After the publication of the proposed rule on June 12, 2013, 18 comments from pharmaceutical companies, lawmakers and governmental organizations, infectious disease specialists, public interest groups, and other members of the public were submitted to the docket via *http://www.regulations.gov* during the 60-day comment period. FDA has summarized and responded to these comments below. To make it easier to identify the comments and FDA's responses, the word ''Comment,'' in parentheses, appears before the comment's description, and the word ''Response,'' in parentheses, appears before the Agency's response. We have numbered each comment to help distinguish between different comments. Similar comments are grouped together under the same number, and, in some cases, different subjects discussed in the same comment are separated and designated as distinct comments for purposes of FDA's responses. The number assigned to each comment or comment topic is purely for organizational purposes and does not signify the comment's value or importance or the order in which comments were received.

A. Statutory Interpretation and Proposed Factors for Consideration

(Comment 1) One comment criticized FDA's interpretation of the statute that not all treatments for infections caused by qualifying pathogens will be eligible for QIDP designation, and that ''the development of a treatment for an infection caused by a pathogen included on the list of 'qualifying pathogens' is neither a necessary nor a sufficient condition for obtaining QIDP designation'' (78 FR 35515 at 35167). The comment first expressed concern that, because the terms ''serious'' and ''life-threatening'' are not separately defined by statute, their meanings could change in the future. The comment contrasted this alleged uncertainty with the statute's detailed definition and identification process for ''qualifying pathogens,'' asserting that the collective term ''serious or life-threatening infections'' includes infections caused by qualifying pathogens. Thus, the comment asserted, Congress intended the qualifying pathogen list to provide ''some certainty and transparency'' regarding which products may be eligible for QIDP designation.

(Response) FDA agrees with the comment that the term ''serious or life-threatening'' is not explicitly defined in the statute. Nevertheless, the Agency has been interpreting and applying these terms in the context of other programs under the Food, Drug, and Cosmetic Act intended to expedite the development of drugs and biologics to address unmet medical needs for several years. ''Serious or life-threatening'' is used in section 506 of the FD&C Act, in the context of expedited programs, including fast track designation. The term ''serious'' is further defined in a 2006 FDA guidance for industry, ''Fast Track Drug Development Program—Designation, Development, and Application Review (which will be superseded by the draft guidance for industry, ''Expedited Programs for Serious Conditions—Drugs and Biologics,'' when finalized) and in the preamble to a final rule pertaining to accelerated approval (57 FR 58942, December 11, 1992). The term ''life-threatening'' is defined in 21 CFR 312.81(a). The provisions related to QIDPs in GAIN similarly seek to incentivize the development of drugs to meet an unmet medical need and, indeed, QIDP-designated applications are eligible for both priority review and fast-track designation (see section 524A of the FD&C Act and section 506(b)(1) of the FD&C Act, as amended). The Agency intends, therefore, to interpret serious or life-threatening in a similar manner with respect to GAIN as it has in the context of these expedited programs. While guidances and even regulations may change, the Agency may not apply different definitional standards to similarly situated applicants or applications. Thus, concerns over lack of a statutory definition of ''serious or life-threatening'' are an insufficient basis for FDA to change its interpretation of the statute.

Further, it may be true that many of the qualifying pathogens listed by FDA may cause serious or life-threatening infections for which treatments might be eligible for QIDP designation. However, the comment's assertions cannot change the language that *is* in the statute, which provides different standards for QIDPs and qualifying pathogens. Qualifying pathogens are ''*pathogen[s] . . .* that ha[ve] the *potential* to pose a *serious threat to public health,''* whereas QIDPs are certain human ''*drugs . . .* intended to treat *serious or life-threatening infections''* (emphasis added). Most importantly, many pathogens with the *potential* to seriously threaten public health may cause varying levels of morbidity and mortality in a given individual depending on the site of infection, the person infected, the level of antimicrobial resistance present in the infecting pathogen, and other factors.

(Comment 2) One comment stated that only ''factors that can be addressed through new drug development'' should be used as criteria for including pathogens on the list. The comment does not specify which factors these are, but the comment's concerns stem from an assertion that new drugs contribute to antibiotic resistance due to their off-

label use, use in patients who do not need the drugs, or use in patients whose underlying infection is unidentified.

(Response) FDA agrees that good antibiotic stewardship is critical in reducing antibiotic resistance rates. However, the mandatory statutory considerations specified in section 505E(f)(2)(B)(i) of the FD&C Act are not limited to factors that can be addressed only through new drug development. FDA will make no changes to the rule based on this comment.

(Comment 3) One comment asserted that rarely used, non-''standard of care'' drugs should be considered in assessing the therapies available to treat a given pathogen. FDA understands this comment to mean that FDA should include, in its assessment of available therapies for infections by particular pathogens, drugs that may treat those infections but nevertheless are not considered ''standard of care'' therapies.

(Response) FDA considers the number of approved products available to treat infectious diseases caused by a pathogen when assessing the impact on the public health due to drug-resistant bacterial or fungal pathogens in humans. For the purposes of this list of qualifying pathogens, at this time, FDA will not consider unapproved products or off-label use of products approved for another indication. FDA will make no changes to the rule based on this comment.

(Comment 4) One comment agreed that incentives authorized by GAIN for the creation of new antibacterial and antifungal drugs should focus on drugs that treat serious or life-threatening infections.

(Response) FDA responds by confirming that QIDP designation, which is a prerequisite to the incentives authorized by GAIN, may be made for ''antibacterial or antifungal drug[s] for human use intended to treat serious or life-threatening infections'' (section 505E(g) of the FD&C Act). FDA will make no changes to the rule in response to this comment.

(Comment 5) Another comment found FDA's proposed methodology and rationale for inclusion of qualifying pathogens to be favorable, and agreed with the Agency that the statute provides different definitions for ''qualifying pathogens'' and QIDPs. The comment also asserted that having QIDP designation depend on intended indication (i.e., treatment of serious or life-threatening infections) is what reflects statutory intent, rather than having QIDP status depend on targeting specific pathogens.

(Response) FDA agrees with the points made in this comment. FDA's interpretation and application of the GAIN provision is consistent with the intent of the statute, which is to use exclusivity and other incentives to spur development of the most urgently needed treatments, i.e., those treating serious or life-threatening infections. The Agency will make no changes to the proposed rule as a result.

B. Miscellaneous Comments

(Comment 6) One comment pointed out that FDA did not provide a basis for excluding the pathogens not listed on the qualifying pathogen list. The comment also stated that FDA ''fails to mention'' how the pathogens on the qualifying pathogen list and the pathogens *not* on the qualifying pathogen list may relate to other pathogen lists (e.g., those pertaining to bioterrorism).

(Response) FDA reiterates that the focus of this rulemaking is to fulfill statutory requirements to: (1) Establish and maintain a list of ''qualifying pathogens'' that have ''the potential to pose a serious threat to public health'' and (2) make public the methodology for developing the list (see section 505E(f) of the FD&C Act). Other pathogen lists, including CDC's list of bioterrorism agents/diseases, have different purposes and standards. FDA will not, nor is it required to, make comparisons between and among the qualifying pathogen list (or the pathogens *not* appearing on the list) and ''additional lists'' of pathogens.

In responding to comments received on the proposed rule, however, the Agency will explain why it either accepted or rejected comment requests to add particular pathogens.

For the foregoing reasons, FDA will make no changes to the contents of the proposed rule based on this comment.

(Comment 7) One comment asserted that pathogens with approved ''reserve antibiotics'' should ''not automatically count as qualifying pathogens.'' FDA understands this comment to suggest that pathogens whose infections may be treated with ''reserve antibiotics'' (i.e., antibacterial drugs that are placed ''in reserve'' for those patients who have very limited options for treatment of their bacterial infections, but are not widely used to treat patients who have many antibacterial treatment options available to treat their bacterial infections) should not be on the list of qualifying pathogens.

(Response) In making its ''qualifying pathogen'' determinations, FDA does consider the therapies—including ''reserve antibiotics''—that are available and indicated to treat infections with a given pathogen. Nevertheless, the fact that some pathogens already have approved antimicrobial therapies available is not dispositive of whether a particular pathogen meets the several statutory criteria FDA must assess. Furthermore, as a general matter, subsequent new drug development following the first drug approval could address important public health issues in patients with unmet need based on one or more of the following considerations:

- Alternative drugs may be needed to treat special populations (e.g., renal impairment) or patients for whom drug interactions are a concern.
- Some patients may experience an adverse drug effect and be unable to complete the course of therapy.
- Some patients may have an allergy to certain drugs and need alternatives.
- In some circumstances, drug production issues may arise that affect supply for a drug.
- New information may become evident postmarketing that has an impact on risk/benefit for some patients.

FDA will make no changes to the rule in response to this comment.

(Comment 8) One comment stated that ''when new therapies are created and used to treat qualifying pathogens, these should be removed from the list.''

(Response) FDA interprets this comment to mean that, as soon as FDA approves a new drug to treat an infection caused by one of the qualifying pathogens, that pathogen should be removed from the list. FDA responds by noting that the availability of effective therapies for treating infections with a given pathogen is merely one consideration among many that FDA considers in determining whether a pathogen should be designated a ''qualifying pathogen.'' While important to FDA's assessment, the availability of effective therapies does not determine whether a qualifying pathogen should remain on the list. FDA will reassess the list of qualifying pathogens ''every 5 years, or more often as needed,'' according to the requirements of the statute (see 505E(f)(2)(C) of the FD&C Act), and declines to establish a single-standard trigger for removing pathogens from the list.

(Comment 9) One comment asserted that regardless of QIDP designation status, ''drugs intended to treat qualifying pathogens'' (which we assume to mean drugs intended to treat infections caused by qualifying pathogens) should be required to prove reduction in mortality or morbidity. The comment further asserted that clinical trials in anti-infective drugs for

qualifying pathogens should have mortality as the primary endpoint.

(Response) These concerns apply to approval standards for particular drugs, which are required to be safe and effective within the meaning of section 505 of the FD&C Act. These concerns do not apply to the subject matter of the proposed rule, which is the method for identifying qualifying pathogens and the resulting list. Thus, FDA considers them irrelevant to the present rulemaking and will make no changes to the rule as a result.

C. Comments on Previously Proposed Pathogens

(Comment 10) One comment suggested edits and new literature references to a paragraph in the preamble to the proposed rule pertaining to the analysis of Enterobacteriaceae. These references are:

- A 2013 article by M. Sjölund Karlsson et al., ''Outbreak of Infections Caused by *Shigella sonnei* with Reduced Susceptibility to Azithromycin in the United States,'' in *Antimicrobial Agents and Chemotherapy* (Ref. 4);
- a 2010 article by M. R. Wong et al., ''Antimicrobial Resistance Trends of *Shigella* Serotypes in New York City, 2006–2009,'' in *Microbial Drug Resistance* (Ref. 5); and
- a 2007 article by S. D. Alcaine et al., ''Antimicrobial Resistance in Nontyphoidal *Salmonella,''* in *Journal of Food Protection* (Ref. 6).

The comment also made reference to CDC's National Antimicrobial Resistance Monitoring System for Enteric Bacteria (NARMS), but did not include specific data from NARMS in the comment.

(Response) FDA appreciates the comment and suggested literature references in support of FDA's decision to add Enterobacteriaceae to the list of qualifying pathogens. We agree that the three suggested literature references provide additional support for the inclusion of Enterobacteriaceae on the list of qualifying pathogens. Specifically, FDA agrees that the Karlsson and Wong references support recognition of an increase in *Shigella* resistance in the United States, and that the Alcaine reference supports recognition of an increase in *Salmonella* resistance. FDA thus incorporates these references as part of its basis for designating species in the Enterobacteriaceae family as qualifying pathogens. The comment did not provide specific NARMS data or specific references presenting relevant NARMS data, but rather made general reference to the surveillance project. FDA, thus, declines to incorporate the NARMS database in its entirety as part of its basis for designating species in the Enterobacteriaceae family as qualifying pathogens.

(Comment 11) Two comments made suggestions in response to FDA's inclusion of *Clostridium difficile* on the list of qualifying pathogens. One advocated improvements in hospital hygiene (e.g., hand washing) and staffing to reduce the spread of *C. difficile.* The other advocated an unidentified procedure for treatment of *C. difficile* and expressed concerns that the proposed rule would inhibit the use of this treatment.

(Response) FDA responds by thanking the commenters for their input. The proposed rule, however, describes the Agency's methodology for identifying qualifying pathogens and developing the resulting list. The propose rule does not address matters on hospital hygiene standards and non-pharmacologic procedures. Therefore, FDA will make no changes to the rule in response to these comments.

(Comment 12) One comment suggested adding *Mycobacterium abscessus* to the list of qualifying pathogens.

(Response) *M. abscessus* is a species of non-tuberculous mycobacteria, a category of pathogens already on the proposed list of qualifying pathogens in FDA's June 2013 proposed rule. As described in the proposed rule, FDA believes that non-tuberculous mycobacteria (including *M. abscessus*) meet the statutory standards for identification as ''qualifying pathogens,'' and this final rule adds non-tuberculous mycobacteria (including *M. abscessus*) to the list of qualifying pathogens (see 78 FR 35155 at 35163).

(Comment 13) One comment suggested adding *Proteus mirabilis* to the list of qualifying pathogens.

(Response) *P. mirabilis* is a species in the Enterobacteriaceae family, a category of pathogens already on the proposed list of qualifying pathogens in FDA's June 2013 proposed rule (see 78 FR 35155 at 35161). As described in the proposed rule, FDA believes that Enterobacteriaceae (including *P. mirabilis*) meet the statutory standards for identification as ''qualifying pathogens,'' and this final rule adds Enterobacteriaceae (including *P. mirabilis*) to the list of qualifying pathogens.

(Comment 14) One comment stated that ''poor adherence to therapy, overuse of currently available therapy, and empiric use'' should not be used in support of identifying a pathogen for inclusion on the list of qualifying pathogens—particularly *M. tuberculosis*—because these ''relate to clinical practice.''

(Response) FDA considers antibiotic stewardship and attention to patient adherence to therapy as important factors in determining transmissibility. FDA explained in the preamble to the proposed rule (see 78 FR 35155 at 35157) that a pathogen's ease of transmission is an important consideration in evaluating ''the impact on the public health due to drug-resistant organisms in humans'' (section 505E(f)(2)(B)(i) of the FD&C Act). This factor is one of the four statutory factors identified in section 505E(f)(2)(B)(i) of the FD&C Act. Therefore, FDA will make no changes to the rule in response to this comment.

D. Suggestions for Additional Qualifying Pathogens

(Comment 15) *Bacteroides, Fusobacterium,* and *Prevotella* Species

One comment suggested adding *Bacteroides, Fusobacterium,* and *Prevotella* species to the list of qualifying pathogens.

(Response) For the reasons that follow, FDA will not add these species to the list of qualifying pathogens. A discussion of these three bacterial pathogens is provided together for the following reasons: (1) These bacterial pathogens are representative of a group of medically-important gram-negative anaerobic rods (see Ref. 7 at pp. 3111–3120) and (2) common taxonomic characteristics (Ref. 8 at pp. 179–194).

These bacterial pathogens are commonly found in the mucous membranes (Ref. 9), particularly in the mouth (*Bacteroides, Fusobacterium,* and *Prevotella*), intestines (*Bacteroides*), and female urogenital tract (*Bacteroides, Fusobacterium,* and *Prevotella*) (Ref. 7 at p. 3112). Each of these bacterial pathogens can cause the same infectious diseases and are often implicated in odontogenic infections (particularly for those with poor dental hygiene or periodontal disease, as these bacteria populate dental plaque), peritonsilar infections, and polymicrobial abdominal infections, among others. Particularly when introduced into compromised tissue (e.g., via a wound or break in mucous membranes), these pathogens can cause abscesses that may require drainage or debridement in addition to antimicrobial therapy (Ref. 7 at p. 3117). Infection prevention is often the focus for these pathogens—either via ''avoiding conditions that reduce the redox potential of the tissues'' or

preventing the bacteria from entering wounds, often by administering prophylactic antimicrobial agents prior to surgery or dental work (Ref. 9).

In general, infections from these pathogens are not transmitted from one person to another or acquired from the environment, but rather occur from a person's own mucosal flora (id.). These infections, once established, are generally able to be treated successfully with surgical incision and drainage as well as administration of antimicrobial agents and treatment of underlying comorbid conditions (Ref. 7 at pp. 3111–3119 and Ref. 10). There have been reports of increases in the incidence of bacteremia caused by anaerobic pathogens (a classification that includes *Bacteroides, Fusarium,* and *Prevotella* species) (Ref. 11). However, these increases appear more likely to reflect the complex patient populations studied (id. at p. 898) rather than, for example, underlying changes in the species' transmissibility, pathogenicity or other characteristics that would likely signal a potential for meaningful increase in colonization rates or active infections.

Resistance to antimicrobial agents has been reported in the species of these genera, however (Ref. 9). For example, plasmid-mediated resistance has been seen in *Bacteroides* species (id.). Beta-lactamase production has been seen in *Bacteroides* species (see Refs. 12 and 13) and in *Prevotella* isolates (albeit less frequently than in *Bacteroides* isolates); *Fusobacterium* species have the lowest incidence of beta-lactamase production of the three genera (Refs. 12, 13, 14, and 15). Resistance to clindamycin and cefoxitin also has been noted in all three genera (Ref. 15). Nevertheless, while there have been suggestions of increasing resistance over time (Ref. 16), and while there is some concern regarding rates of resistance to penicillin and clindamycin, these bacteria still remain susceptible to many drugs (Refs. 12, 13, and 14). Furthermore, persuasive clinical data that may indicate poorer outcomes for resistant infections are lacking.

Taken together, the available data do not provide a compelling rationale for concluding that *Bacteroides, Prevotella,* or *Fusobacteria* species have the potential to pose a serious threat to public health within the meaning of the statute. Thus, FDA declines to include them on the list of qualifying pathogens at this time.

(Comment 16) *Brucella* Species

One comment suggested adding *Brucella* species to the list of qualifying pathogens.

(Response) Unlike the pathogens previously proposed as qualifying pathogens, *Brucella* infections remain susceptible to and may be treated by existing antibacterial drugs. Further, the incidence and prevalence of brucellosis is low enough that *Brucella* species are unlikely to pose a serious threat to public health—even if resistance were to emerge. Thus, for these reasons and those that follow, FDA declines to identify *Brucella* species as qualifying pathogens.

Bacteria of the genus *Brucella* are gram-negative coccobacilli that typically colonize animals (Ref. 7 at p. 2921). Rarely, certain *Brucella* species (most frequently *B. melitensis*) may infect humans. In these cases, infection often occurs when broken human skin comes in contact with infected animals or animal fluids, when a person inhales aerosolated bacteria, or when a person consumes unpasteurized dairy products (id.). Brucellosis generally causes nonspecific constitutional symptoms (e.g., malaise, fever, headache, anorexia) and can cause more serious arthritis, central nervous system infection, and hepatitis, among other conditions and symptoms (Ref. 7 at p. 2922). *Brucella* infections are usually not transmitted person-to-person (Ref. 7 at p. 2921); therefore, the people at highest risk of *Brucella* infections include those who consume unpasteurized dairy products or who work with animals or the bacteria itself: Ranchers, veterinarians, lab researchers, and slaughterhouse workers, i.e., isolated environmental exposures (id.).

The incidence of human brucellosis remained stable from 1990 to 2003 (Ref. 17), increased from 2003–2007, and decreased by 36 percent in 2008 (Ref. 18). FDA is aware of no data that suggest a meaningful post-2008 increase in *Brucella* infection in humans—to the contrary, recent data suggest that infections have decreased from 2012 to 2013 (Ref. 19 at Table 1)—and the overall prevalence of brucellosis remains low in the United States (Ref. 7 at p. 2921). *Brucella* species have been listed as a category B (second-highest priority) bioterrorism threat on CDC's list of bioterrorism agents (Ref. 20), but this classification takes into account such elements as ease of dissemination of the pathogen (e.g., it can be aerosolized) in a bioterrorism setting, and the need for CDC's enhancement of diagnostic and surveillance capabilities (id.). Importantly, this classification also recognizes that brucellosis causes only ''moderate morbidity rates and low mortality rates'' (id.). Indeed, although brucellosis may require long courses of treatment (e.g., 6 weeks or more) and can involve tissue sites that enhance the difficulty of treatment (e.g., central nervous system infection), the prognosis for *Brucella* infection is generally favorable with appropriate treatment (Ref. 21).

Treatment recommendations for brucellosis have remained unchanged for many years and include the use of tetracycline or doxycycline plus gentamycin, or doxycycline plus rifampin (id.). Despite occasional overseas reports of resistance (Refs. 22 and 23), *Brucella* species generally remain susceptible to the mainstays of brucellosis treatment, even abroad (Refs. 24, 25, 26, and 97). In FDA's view, the currently available data do not demonstrate widespread antimicrobial resistance in *Brucella* infections, nor do they support the potential for a meaningful increase in drug resistance for *Brucella* species.

Thus, for the foregoing reasons, FDA will not identify *Brucella* species as qualifying pathogens.

(Comment 17) *Clostridium* Species Other Than *C. difficile*

One comment suggested adding *Clostridium* species other than *C. difficile* to the list of qualifying pathogens.

(Response) For the reasons that follow, FDA declines to add non-*difficile Clostridium* species to the list of qualifying pathogens.

There are over 200 non-*difficile* species of the bacterial genus *Clostridium.* These toxin-producing, anaerobic rods are found in soil and in normal human and animal flora, and often infect or intoxicate humans via contaminated food or wounds (Ref. 7 at p. 3103), although mother-to-child transmission has been identified for such pathogens as *C. tetani.* These pathogens cause a variety of diseases or conditions, including: Food poisoning (*e.g., C. perfringens*), including botulism (*C. botulinum*); tetanus (*C. tetani*); clostridial myonecrosis, also called gas gangrene (*C. perfringens*); bloodstream infections (*C. perfringens* and *C. septicum)* (Ref. 7 at pp. 3091–3092, 3097–3098, 3106–3107); and, less commonly, toxic shock syndrome (*C. sordellii*) (Ref. 27).

Non-*difficile Clostridium* outbreaks are reported from time to time (Ref. 28), but foodborne *C. perfringens* infections are the most common, causing approximately 1 million cases of mostly mild to moderate gastroenteritis in the United States each year (Ref. 29). *C. perfringens* often colonizes meat or poultry, and illness may result from large volumes of food kept warm for a long period of time (e.g., in buffets) (id.)

or in outbreaks associated with particular prepared foods (Refs. 30 and 31). *C. botulinum,* which also causes food poisoning, is relatively rare, though much more severe—it is likely fatal if untreated (Refs. 29 and 32), whereas *C. perfringens* infections are often self-limited and require simply oral rehydration and supportive care at home. Other *Clostridium*-related diseases, such as tetanus, bloodstream infections, and gas gangrene, are life-threatening and require immediate treatment.

Some infections caused by *Clostridium* species are very rare. For example, less than 200 cases of botulism were reported annually to the CDC, and less than 50 cases of tetanus were reported annually to the CDC, in each of the past 5 years (Ref. 19). While CDC does not require reporting of other clostridial infections, antimicrobial susceptibility studies ''have not changed significantly over the past 10 years'' (Refs. 19 and 33).

In contrast with *C. difficile, C. perfringens* is not transmitted from human to human (Refs. 34, 35, and 36),[2] and FDA is unaware of significant increases in incidence or prevalence of infections with *C. perfringens* or other non-*difficile Clostridium* pathogens.

There have been reports of limited antimicrobial resistance in non-*difficile Clostridium* species (Refs. 15, 37, 38, 39, and 40), and studies have found that resistance genes may (or may potentially) be transferred between *C. perfringens* species (Refs. 41 and 42). However, many reports of resistant isolates do not offer a correlation either with resistant infections seen in a clinical setting (Ref. 40) or with suggestions of worse outcomes in patients with resistant infections (Ref. 39) (particularly for *C. perfringens,* whose infections rarely require treatment, and for which antibacterial therapy is not recommended). Many therapies still remain available and effective for treating the more severe non-*difficile Clostridium* infections, and, limited in vitro resistance reports notwithstanding, FDA has not seen evidence that there is a strong potential for a meaningful increase in resistance rates in these pathogens.

For the foregoing reasons—and particularly when contrasted with the considerations described in the proposed rule pertaining to *C. difficile*—FDA does not believe there are sufficient data available to find that non-*difficile Clostridium* species meet the statutory standard for listing as qualifying pathogens. Thus, FDA will not include these pathogens on the list of qualifying pathogens.

(Comment 18) *Coccidioides* Species

Six comments suggested adding *Coccidioides immitis* to the list of qualifying pathogens. Six comments suggested adding *C. posadasii* to the list of qualifying pathogens. One comment suggested adding *Coccidioides* species (generally) to the list of qualifying pathogens. According to the comments, *Coccidioides* species present a serious and growing public health concern, particularly in the southwestern United States.

(Response) FDA agrees with the comments and will include *Coccidioides* species on the list of qualifying pathogens.

Coccidioides species are pathogenic fungi that are endemic to certain regions of southwestern United States (i.e., certain areas of California, Arizona, New Mexico, Texas, Utah, and Nevada) and other regions of the Western Hemisphere (Ref. 7 at pp. 3333–3334). The pathogen is responsible for causing coccidioidomycosis, also known as Valley Fever, with *C. immitis* and *C. posadasii* as the causative agents. *Coccidioides* species is acquired via respiratory inhalation of spores.

Infections caused by *Coccidioides* species have increased in the past decade. It is estimated that up to 60 percent of people living in the endemic areas of southwestern United States have been exposed to the fungus (Ref. 43). According to a March 2013 report, the CDC found that more than 20,000 cases of Valley Fever are reported annually in the United States, but many cases go unreported (Ref. 44). Some researchers estimate that the fungus infects more than 150,000 people each year (Ref. 45). The CDC observed that the incidence of reported Valley Fever increased substantially between 1998 and 2011, from 5.3 per 100,000 people in the endemic area in 1998 to 42.6 per 100,000 in 2011 (Ref. 44). Although some of the increase can be attributed to changes in the case definition based on serologic evidence of infection (Ref. 46), the incidence of infections caused by the fungi continued to increase even after taking into account the change in the case definition. Notably, the CDC found that the incidence of reported Valley Fever increased in Arizona and California from 2009 to 2010 and from 2010 to 2011 (Ref. 44).

Of the infections, one-half to two-thirds are subclinical (Ref. 45). Symptomatic patients typically experience a self-limited acute or subacute community-acquired pneumonia that becomes evident 1 to 3 weeks after infection (id.), with fever, cough, headache, rash, muscle aches, and joint pain as typical symptoms (Ref. 47). Some patients develop severe or chronic pulmonary disease, and less than one percent of patients experience extrapulmonary infection (Ref. 44). Chronic pulmonary or disseminated disease can occur months or years after the initial infection (Ref. 48). For extrapulmonary disease (also referred to as disseminated disease), estimates range as high as 30 to 50 percent of ''infections for heavily immunosuppressed patients, such as those with AIDS, lymphoma, receipt of a solid-organ transplant, or receipt of rheumatologic therapies, such as high-dose corticosteroids or anti-tumor-necrosis-factor (TNF) medications'' (Ref. 45).

In a 2007 to 2008 population-based study in Arizona, over 40 percent of patients with Valley Fever required hospitalization, and symptoms lasted a median of 120 days (Ref. 49). Furthermore, between 1998 to 2008, the annual number of coccidioidomycosis-related deaths was about 163, with the highest risk of death associated with men, persons aged 65 or greater, Hispanics, Native Americans, and residents of Arizona or California (Ref. 50).

Resistance mechanisms for *Coccidioides* species have not been identified (Ref. 51). There is evidence of at least one report of resistance to the azole class of antifungal agents (id.). In a retrospective analysis of patients presenting with coccidioidal meningitis at Los Angeles, CA, hospitals, researchers found that a significant proportion of patients—40 percent—died, despite treatment with fluconazole monotherapy or a combination of fluconazole and intravenous amphotericin B (Ref. 52). Therefore, it is plausible that resistance has increased given the increase in the rate of growth of Valley Fever.

For the reasons stated previously, FDA believes that *Coccidioides* species has the potential to pose a serious threat to public health, and FDA is including *Coccidioides* species on the list of qualifying pathogens.

(Comment 19) *Cryptococcus* Species

Two comments suggested adding *Cryptococcus* species to the list of qualifying pathogens due to, among other things, *C.gattii* infections in North America and concerns about worldwide morbidity and mortality from cryptococcal infections generally.

(Response) For the reasons that follow, FDA will include these species as qualifying pathogens.

[2] *See* 78 FR 35155 (June 12, 2013).

Cryptococcus species are encapsulated yeast fungi (Ref. 7 at p. 3287). Although there are 19 species in the genus (Ref. 7 at p. 3287), *C. neoformans* and *C. gattii* are the two generally associated with human disease (Ref. 7 at pp. 3288–3289). Both species are found in soil, and infection typically occurs via inhalation of the fungi (Ref. 7 at p. 3290). Cryptococcal disease often presents as lung or central nervous system disease (Ref. 7 at p. 3293), although the pathogens also can infect other parts of the body (Ref. 53).

Most *C. neoformans* occur in immunocompromised patients (Ref. 7 at p. 3289), and *C. neoformans* meningitis cases are very rare in healthy people, with an incidence of only 0.4 to 1.3 per 100,000 people (Ref. 54). Incidence of cryptococcal disease increased substantially with the HIV/AIDS epidemic in the late portion of the 20th century and remains high in developing countries, where antiretroviral therapy is scarce (id.). In developed countries, the use of antiretroviral therapy has reduced the number of end-stage HIV/AIDS patients susceptible to cryptococcal infection (Ref. 55); incidence rates in this population in the United States are between 2 and 7 infections per 100,000 people (Ref. 54). Although HIV/AIDS-related cryptococcosis is declining, an increasing population (Ref. 53) of immunosuppressed patients—including solid organ transplant patients, cancer patients, and patients on corticosteroids—remain at risk of *C. neoformans* infections (Ref. 56). Non-HIV patients appear to bear an increasing burden of cryptococcal disease, representing 16 percent of all U.S. cryptococcal meningitis cases in 1997 but 29 percent of all U.S. cryptococcal meningitis cases in 2009 (Ref. 55). Cryptococcosis is the third most common invasive fungal infection in solid organ transplant patients after candidiasis and aspergillosis (Ref. 56).

C. gattii infections, however—which had been considered geographically limited to areas such as Australia and New Zealand because of an association with eucalyptus trees (Ref. 57)—have become an increasing public health concern for healthy, rather than immunocompromised, people in North America. Although *C. gattii* infections also have been documented in HIV patients, ''[t]he emergence of *C. gattii* infections in immunocompetent human and animal populations in the Pacific Northwest region of North America is nothing short of remarkable'' (Ref. 56). After an initial outbreak on Vancouver Island in 1999, incidence rates of *C. gattii* infections were estimated to be 37 times higher than in the endemic areas of Australia and New Zealand (Ref. 53). A retrospective analysis in the Pacific Northwest area of the United States did not identify any patients with cryptococcal infection due to *C. gattii* before 2000 (Ref. 58), while 100 infections were documented in the United States between 2004 and 2011, mostly from the Pacific Northwest area of the United States (Ref. 98).

Both *C. neoformans* and *C. gattii* can cause life-threatening infections, although the primary infection sites may differ. For example, in the initial Vancouver Island outbreak of *C. gattii* infections about 70 percent of patients had lung disease (Ref. 53), and in *C. neoformans* infections in immunocompromised patients (who comprise the majority of those infected), meningitis or other central nervous system disease is the most common presentation of infection (id.). Those *C. gattii* patients who have central nervous system involvement may have more neurological sequelae than *C. neoformans* patients, however (id.). These sequelae may require longer courses of antifungal therapy to treat (id.), and may result in permanent neurological damage (Ref. 59). Regardless of interspecies disease differences, infection with either pathogen is likely to be very serious. In one study of *C. gattii* infections, 91 percent of infected patients were hospitalized and 33 percent died (Ref. 60). Mortality rates for *C. neoformans* infections are approximately 12 percent in developed countries, and that rate rises to 50 to 70 percent in sub-Saharan Africa, where treatment is less accessible (Ref. 54).

According to one set of clinical practice guidelines, ''[c]ryptococcosis remains a challenging management issue, with little new drug development or recent definitive studies'' (Ref. 61). Both pathogens require long courses of antifungal therapy for treatment, although the success and components of therapy may differ somewhat depending on the primary site of infection and the immunological competence and underlying condition of the patient (id.). In recent years, however, studies on both pathogens have indicated signs of increasing resistance to antifungal therapies. For example, according to a 10-year ARTEMIS Global Antifungal Surveillance Program (ARTEMIS) survey, the proportion of *C. neoformans* isolates showing resistance to fluconazole increased from 7.3 percent in 1997–2000 to 11.7 percent in 2005–2007 (Ref. 62). Furthermore, in one study, *C. gattii* isolates from the Pacific Northwest were more resistant to antifungal drugs than non-Pacific Northwest *C. gattii* isolates or *C. neoformans* isolates (Ref. 63). This result supports the observation that infection with *C. gattii* strains from the Pacific Northwest may result in worse clinical outcomes than infection with other *C. gattii* strains (e.g., a 33 percent mortality rate seen in Pacific Northwest infections versus a 13 percent mortality rate seen in infections in Australia) (id.).

In sum, evidence of increasing resistance combined with increases in immunocompromised patients, the emergence of *C. gattii* infections in the Pacific Northwest in healthy individuals, and the seriousness of cryptococcal disease, have led FDA to conclude that *Cryptococcus* species have the potential to pose a serious risk to public health. FDA thus will add these pathogens to the list of qualifying pathogens.

(Comment 20) *Fusarium* Species

One comment suggested adding *Fusarium* species to the list of qualifying pathogens because the fungal agent causes serious and life-threatening infections.

(Response) Preliminarily, FDA notes that the comment appears to have conflated the standards for qualifying pathogens (''*pathogen[s]* . . . that ha[ve] the *potential* to pose a *serious threat to public health''* (section 505E(f) of the FD&C Act)) and QIDPs (certain human ''*drugs* . . . intended to treat *serious or life-threatening infections''* (section 505E(g) of the FD&C Act)) (emphasis added). For the reasons that follow, FDA declines to add *Fusarium* species to the list of qualifying pathogens.

Fusarium species are fungi found mainly as saprophytic organisms in soil. Since the 1970s, the number of reports of human infection due to *Fusarium* species has increased, mainly involving immuocompromised patients (Ref. 7 at p. 3369). Infections caused by *Fusarium* species occur most commonly in patients with acute leukemia and prolonged neutropenia (id.). The fungi can cause localized infection, deep-seated skin infections, and disseminated disease. The rare cases of disseminated disease have been reported in the clinical settings of severe burns, trauma, and heat stroke (id.). Reports of localized infection in patients without leukemia or prolonged neutropenia are infrequent and usually involve the skin (e.g., complication of a burn) or ocular tissues (Ref. 64).

Inhalation, ingestion, and entry through skin trauma have been suggested as the portal of entry (Ref. 7 at p. 3369). More recently, water has also been suggested as a source of these

infections, as the fungus was found in one hospital water supply system and in several water sources at a dialysis clinic (id.). Infection commonly presents with fever and myalgia not responsive to antibacterial therapy during periods of profound neutropenia (id). Skin lesions occur in 60 to 80 percent of infections and can occur within 1 day of the onset of fever (id.). Overall mortality in this infection has been reported to be between 50 to 80 percent (Ref. 7 at p. 3370). Survival is generally associated with the recovery from neutropenia (id.). The high rates of morbidity and mortality are usually due to the patients' underlying immune suppression and prolonged neutropenia (Ref. 65).

Generally, while susceptibility varies among *Fusarium* species, susceptibility to antifungal drugs generally is thought to be low (Ref. 7 at p. 3370). The management of fusariosis almost always includes surgical debridement, so it is often difficult to ascertain the role of antifungal drugs versus the role of surgical debridement when considering the outcomes of patients with this infection (Ref. 65).

While *Fusarium* species is associated with high morbidity and mortality rates, there do not appear to be new or changing public health concerns with infections caused by this fungi. Although antifungal therapy plays a role, the standard of care is focused on surgical debridement and reestablishment of the patient's immune system. Therefore, FDA will not be adding *Fusarium* species to the list of qualifying pathogens.

(Comment 21) *Helicobacter Pylori*

One comment suggested adding *Helicobacter pylori* to the list of qualifying pathogens because the pathogen is a major cause of morbidity, specifically a range of gastroduodenal diseases.

(Response) For the reasons that follow, FDA is adding *H. pylori* to the list of qualifying pathogens.

H. pylori is a gram-negative bacterium that survives in the gastric epithelium or mucosal layer and occasionally in the duodenal or esophageal mucosal epithelium. *H. pylori* is one of the most common bacterial pathogens, estimated to infect about 60 percent of the world's population (Ref. 66).

About 20 percent of infected individuals develop gastroduodenal disorders in their lifetime (Ref. 67). For symptomatic individuals, *H. pylori* can cause severe gastric disease, including: Gastritis, duodenal and gastric ulcers, duodenal and gastric cancers, and mucosal-associated-lymphoid-type (MALT) lymphoma (Ref. 68). Approximately 15 percent of infected people will develop a peptic ulcer, and 1 to 3 percent will develop a gastric malignancy during their lifetime (Ref. 69). Persons infected with *H. pylori* also have a two- to six-times greater risk of developing gastric cancer and MALT lymphoma compared with uninfected individuals (Ref. 68).

Transmission occurs fecal-oral, gastric-oral, or oral-oral from human-to-human contact (Ref. 70). Risk factors include poor socioeconomic conditions, family overcrowding, poor hygiene, and living with an infected family member (id.). Incidence of new infections in developing countries is 3 to 10 percent of the population each year, compared to 0.5 percent in developed countries, due predominantly to better hygiene practices (id.). In the United States, age-adjusted prevalence of *H. pylori* is higher in Mexican-Americans at 62 percent and non-Hispanic blacks at 53 percent, compared to non-Hispanic whites at 26 percent (Ref. 71).

H. pylori antibiotic resistance has been widely reported at a global level. Resistance mechanisms against antibacterial drugs used to treat *H. pylori* infections have been identified (Ref. 72). For metronidazole, ''high intracellular redox potential of aerobe species prevents the metronidazole reduction-activation and is responsible for the intrinsic resistance'' (id.). Prevalence of antibacterial resistance varies in different geographic regions, and it has been correlated with the consumption of antibacterial drugs in the general population (Refs. 73 and 74).

A retrospective analysis of 31 worldwide studies concerning *H. pylori* published between January 2006 and December 2009 showed substantial rates of antibacterial drug resistance (Ref. 73). For example, 9.6 percent of worldwide *H. pylori* isolates showed resistance to two or more antibacterial drugs. A U.S. network of clinical sites that tracked national prevalence rates of *H. pylori,* called the *Helicobacter pylori* Antimicrobial Resistance Monitoring Program, identified 347 clinical isolates of *H. pylori* to be analyzed for resistance to antibacterial drugs (Ref. 67). The researchers observed that 29.1 percent of isolates were resistant to one antibacterial drug and 4.8 percent of isolates were resistant to two or more antibacterial drugs. Other regions, such as China (Ref. 75) and Africa (Ref. 73), have reported even greater resistance rates to antibacterial drugs. Resistance to some classes of antibacterial drugs was associated with a reduction in treatment efficacy (Ref. 76). Eradication of *H. pylori* in humans is being challenged by the increasing rates of resistance to current treatment (Ref. 77). For the reasons described previously, FDA believes that *H. pylori* has the potential to pose a serious threat to public health, and FDA will add *Helicobacter pylori* to the list of qualifying pathogens.

(Comment 22) *Pandoraea* Species

One comment suggested adding *Pandoraea* species to the list of qualifying pathogens.

(Response) For the reasons that follow, FDA declines to add *Pandoraea* species to the list of qualifying pathogens.

The *Pandoraea* bacterial genus was identified in 2000; as of 2011, it contained five species (Ref. 78), all of which are aerobic gram-negative rods (Ref. 79). Historically, proper identification of these bacteria has been a challenge (id.), although a recent poster presentation at an international meeting suggested that *Pandoraea* species' production of carbapanem-cutting oxacillinase enzymes (which suggests that these bacteria may have intrinsic resistance to carbapanem antibiotics) may be a useful diagnostic tool (id.).

These bacteria are generally opportunistic and tend to colonize or infect patients with cystic fibrosis (CF) in particular (Ref. 78). However, both the prevalence and the pathogenic role of *Pandoraea* bacteria in patients with CF are unknown (Ref. 80). There have been reports of sporadic *Pandoraea*-related bacteremia and lung infections, including some in non-CF patients (Ref. 78). In addition, a 2003 report describes six CF patients who acquired *Pandoraea species* infections and four (out of the six) patients subsequently experienced a decline in lung function (Ref. 81).

Currently, there is too little information available about *Pandoraea* species to support their inclusion on the list of qualifying pathogens. Aside from a suggestion of intrinsic carbapanem resistance (Ref. 79), FDA is unaware of data suggesting increasing resistance—or any acquired resistance—to available therapies, or poorer outcomes with resistant strains of these pathogens. Further, ''[t]he clinical significance of colonization with these organisms remains unclear, and there are limited and conflicting data available on the clinical outcome of patients colonized with *Pandoraea''* (Ref. 78). Thus, FDA declines to add *Pandoraea* species to the list of qualifying pathogens at the present time.

(Comment 23) *Peptostreptococcus* Species

One comment suggested adding *Peptostreptococcus* species to the list of qualifying pathogens.

(Response) For the reasons that follow, FDA declines to add *Peptostreptococcus* species to the list of qualifying pathogens.

The *Peptostreptococcus* genus consist of anaerobic, gram-negative bacteria that are a part of the normal flora of human mucocutaneous surfaces, including the mouth, gastrointestinal track, female genitourinary system, urethra, and skin (Ref. 7 at p. 3121). The bacteria can cause a wide variety of infections, including respiratory, oropharyngeal, sinus, ear, musculoskeletal, intraabdominal, genitourinary, cardiovascular, dental, superficial, and soft tissue infections (Ref. 82). Infection typically is associated with trauma or disease (Ref. 83 at pp. 309–312) and has been identified to be a significant component of mixed infections (Ref. 82).

Notably, there is no evidence to show an increase in the rate of incidence or prevalence with *Peptostreptococci* (Ref. 84). Until recently, most clinical isolates of gram-positive anaerobic cocci were identified as a species of *Peptostreptococcus,* but this genus is currently being reclassified into three new genera: *Micromonas, Anaerococcus,* and *Peptoniphilus* (Ref. 85). Some species are also being transferred, for example, to the genus *Streptococcus* (Ref. 7 at p. 3121).

While resistance to antibacterial drugs is rare, resistance mechanisms have been identified as the transfer of plasmid-mediated mechanisms (Ref. 86 at p. 878). *Peptostreptococci* are usually fully susceptible to penicillin (Ref. 7 at p. 3122), though some isolates have occasionally been found to be resistant to penicillin (Ref. 85). Further, the genus has consistently reported no resistance to metronidazole, clindamycin, and imipenem (Ref. 84). Surveillance data from England and Wales do not support concerns regarding resistance to antibacterial therapies (Ref. 85).

There does not seem to be an emerging public health concern with infections caused by *Peptostreptococci.* Although resistance mechanisms have been identified, data on clinical pathogens are lacking and the rates of incidence or prevalence have not been shown to be increasing. Therefore, FDA will not be including *Peptostreptococcus* on the list of qualifying pathogens.

(Comment 24) *Scedosporium* Species

One comment suggested adding *Scedosporium* species to the list of qualifying pathogens because the fungal agent causes serious and life-threatening infections.

(Response) FDA notes that the comment appears to have conflated the standards for qualifying pathogens (''*pathogen[s] . . .* that ha[ve] the *potential* to pose a *serious threat to public health''* (section 505E(f) of the FD&C Act)) and QIDPs (certain human ''*drugs . . .* intended to treat *serious or life-threatening infections''* (section 505E(g) of the FD&C Act)) (emphasis added). For the reasons that follow, FDA declines to add *Scedosporium* species to the list of qualifying pathogens.

Scedosporium comprises a family of fungi that is responsible for an increasing number of infections, particularly among immunocompromised patients (Ref. 87). Two species of *Scedosporium* are medically relevant: *S. apiospermum* and *S. prolificans.* These fungi are saprophytic agents with worldwide distribution that are isolated from natural sources (Ref. 88 at p. 4).

The fungi are typically acquired via direct inoculations, through a trauma wound or wound puncture (id.). *Scedosporium* infections are rare but can cause human infectious diseases, including soft tissue infections, septic arthritis, osteomyelitis, ophthalmic infections, sinusitis, pneumonia, meningitis and brain abscesses, endocarditis, and disseminated infection (Ref. 89). Disseminated infection has been observed with both species of *Scedosporium* (Ref. 88 at p. 4).

The overall incidence of *Scedosporium* infections is relatively low in most geographic areas of the United States. Hospital-based infections in patients with hematological malignancies have been observed (Ref. 87). Most disseminated *S. prolificans* infections are fatal due to persistent neutropenia and the intrinsic resistance to available antifungal agents (Ref. 90). Additionally, the management of invasive *S. apiospermum* infections is difficult because the pathogen has intrinsic resistance to many antifungal agents, including fluconazole and amphotericin (Ref. 91). A combination of chemotherapy and surgery seems to be the best approach in treating the infection (Ref. 88). Recovery from disseminated *Scedosporium* infections appears to result from improvement of the underlying disease (e.g., recovery from neutropenia) rather than from antifungal treatments (id.). Therefore, rate of growth of resistant organisms and an evaluation of rates of resistance would not provide meaningful evidence to support inclusion on the list of qualifying pathogens.

While *Scedosporium* is associated with high morbidity and mortality, the incidence of disease associated with *Scedosporium* is rare, and therefore there do not appear to be new public health concerns with these infections. For these reasons, FDA will not add *Scedosporium* to the list of qualifying pathogens.

(Comment 25) Zygomycetes (*Mucor, Rhizopus, Absidia, Cunninghamella*)

One comment suggested adding Zygomycetes (specifically, *Mucor, Rhizopus, Absidia,* and *Cunninghamella*) to the list of qualifying pathogens because these fungal agents cause serious and life-threatening infections.

(Response) FDA notes that the comment appears to have conflated the standards for qualifying pathogens (''*pathogen[s] . . .* that ha[ve] the *potential* to pose a *serious threat to public health''* (section 505E(f) of the FD&C Act)) and QIDPs (certain human ''*drugs . . .* intended to treat *serious or life-threatening infections''* (section 505E(g) of the FD&C Act)) (emphasis added). For the reasons that follow, FDA declines to add Zygomycetes to the list of qualifying pathogens.

The class of Zygomycetes is a large group of fungi that are mostly opportunistic pathogens responsible for infections in high-risk patients, such as immunocompromised and type 2 diabetes mellitus patients (Ref. 92). There are two orders of Zygomycetes of medical interest: the *Mucorales,* which cause the majority of illness, and the *Entomophthorales* (Ref. 93 at p. 236). The main categories of human disease associated with *Mucorales* are sinusitis/rhinocerebral, pulmonary, cutaneous/subcutaneous, gastrointestinal, and disseminated zygomycosis (Ref. 93 at p. 244).

The host generally acquires the infectious spores through inhalation, ingestion, or inoculation through breaches in or penetrating injuries to the skin (Ref. 92). Host risk factors include diabetes mellitus, neutropenia, sustained immunosuppressive therapy, broad-spectrum antibiotic use, severe malnutrition, and primary breakdown in the integrity of the cutaneous barrier such as trauma, surgical wounds, needle sticks, or burn wounds (id.). Zygomycosis occurs rarely in non-immunocompromised hosts.

Zygomycetes are relatively uncommon isolates in the clinical

laboratory and are less frequent than invasive fungi caused by *Aspergillus* species. According to one report, ''[i]ncidence figures are difficult to collect as few national studies have been undertaken, but for the United States, the annual incidence of zygomycosis has been estimated as 1.7 infections per million people'' (Refs. 92 and 94). According to a 2002 report, the incidence of zygomycosis may be increasing; researchers found an increase in the number of hematopoietic stem cell transplant recipients at the Fred Hutchinson Cancer Center in Seattle, WA, infected with Zygomycetes from 1985–1989 to 1995–1999 (Ref. 95). Another study found that invasive fungal infections due to Zygomycetes were associated with higher mortality rates in adult hematopoietic stem cell transplant recipients at 64.3 percent, with suboptimal therapeutic modalities for the management of the infection as one contributing factor to the high rates (Ref. 96).

Surgical debridement should be considered as an option early in management of zygomycosis as the evidence indicates that this intervention improves survival (Ref. 92). Additionally, the agent of choice was conventional amphotericin B used at higher than normal doses (id.). FDA's research did not identify any papers that suggest an increase in the resistance rates to antifungal treatment.

Zygomycetes are associated with high morbidity and mortality rates. However, there do not appear to be new or changing public health concerns with infections caused by Zygomycetes. Further, resistance data on clinical pathogens are lacking. Therefore, FDA will not add Zygomycetes to the list of qualifying pathogens.

IV. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Economic Impact

A. Final Regulatory Impact Analysis

FDA has examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct Agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Agency believes that this final rule is not a significant regulatory action as defined by Executive Order 12866.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the final rule would not impose direct costs on any entity, regardless of size, but rather would clarify certain types of pathogens for which the development of approved treatments might result in the awarding of QIDP designation and exclusivity to sponsoring firms, FDA certifies that the rule would not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $141 million, using the most current (2013) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

B. Background

Antibacterial research and development has reportedly declined in recent years. A decrease in the number of new antibacterial products reaching the market in recent years has led to concerns that the current drug pipeline for antibacterial drugs may not be adequate to address the growing public health needs arising from the increase in antibacterial or antifungal resistance. A number of reasons have been cited as barriers to robust antibacterial drug development including smaller profits for short-course administration of antibacterial drugs compared with long-term use drugs to treat chronic illnesses, challenges in conducting informative clinical trials demonstrating efficacy in treating bacterial infections, and growing pressure to develop appropriate limits on antibacterial drug use.

One mechanism that has been used to encourage the development of new drugs is exclusivity provisions that provide for a defined period during which an approved drug is protected from submission or approval of certain potential competitor applications. By securing additional guaranteed periods of exclusive marketing, during which a drug sponsor would be expected to benefit from associated higher profits, drugs that might not otherwise be developed due to unfavorable economic factors may become commercially attractive to drug developers.

In recognition of the need to stimulate investments in new antibacterial or antifungal drugs, Congress enacted the GAIN title of FDASIA to create an incentive system. The primary framework for encouraging antibacterial or antifungal drug development became effective on July 9, 2012, through a self-implementing provision that authorizes FDA to designate human antibacterial or antifungal drugs that treat ''serious or life-threatening infections'' as QIDPs. With certain limitations set forth in the statute, a sponsor of an application for an antibacterial or antifungal drug that receives a QIDP designation gains an additional 5 years of exclusivity to be added to certain exclusivity periods for that product. Drugs that receive a QIDP designation are also eligible for designation as a fast-track product and an application for such a drug is eligible for priority review.

C. Need for and Potential Effect of the Regulation

Between July 9, 2012, when the GAIN title of FDASIA went into effect, and March 12, 2014, FDA granted 41 QIDP designations. As explained above, the statutory provision that authorizes FDA to designate certain drugs as QIDPs is self-implementing, and inclusion of a pathogen on the list of ''qualifying pathogens'' does not determine whether a drug proposed to treat an infection caused by that pathogen will be given QIDP designation. However, section 505E(f) of the FD&C Act, added by the GAIN title of FDASIA, requires that FDA establish a list of ''qualifying pathogens.'' This final rule is intended to satisfy that obligation, as well as the statute's directive to make public the methodology for developing such a list of ''qualifying pathogens.'' The final rule identifies 21 ''qualifying pathogens,'' including those provided as examples in the statute, which FDA has concluded have ''the potential to pose a serious threat to public health'' and proposes to include on the list of ''qualifying pathogens.''

As previously stated, this final rule would not change the criteria or process for awarding QIDP designation or for awarding extensions of exclusivity

periods. That is, the development of a treatment for an infection caused by a pathogen included on the list of ''qualifying pathogens'' is neither a necessary nor a sufficient condition for obtaining QIDP designation, and as stated in section 505E(c) of the FD&C Act, not all applications for a QIDP are eligible for an extension of exclusivity. Relative to the baseline in which the exclusivity program under GAIN is in effect, we anticipate that the incremental effect of this rule would be negligible.

To the extent that this rule causes research and development to shift toward treatments for infections caused by pathogens on the list and away from treatments for infections caused by other pathogens, the opportunity costs of this rule would include the forgone net benefits of products that treat or prevent pathogens not included on the list, while recipients of products to treat infections caused by pathogens on the list would receive benefits in the form of reduced morbidity and premature mortality. Sponsoring firms would experience both the cost of product development and the economic benefit of an extension of exclusivity and of potentially accelerating the drug development and review process with fast-track status and priority review. If this rule induces greater interest in seeking QIDP designation than would otherwise occur, FDA also would incur additional costs of reviewing applications for newly developed antibacterial or antifungal drug products under a more expedited schedule.

Given that the methodology for including a pathogen on the list of ''qualifying pathogens'' was developed with broad input, including input from industry stakeholders and the scientific and medical community involved in anti-infective research, we expect that the pathogens listed in this final rule reflect not only current thinking regarding the types of pathogens that have the potential to pose serious threat to the public health, but also current thinking regarding the types of pathogens that cause infections for which treatments might be eligible for QIDP designation. To the extent that there is overlap between drugs designated as QIDPs and drugs developed to treat serious or life-threatening infections caused by pathogens listed in this final rule, this final rule would have a minimal impact in terms of influencing the volume or composition of applications seeking QIDP designation compared to what would otherwise occur in the absence of this rule.

VI. Paperwork Reduction Act

FDA concludes that this rule does not contain a ''collection of information'' that is subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520). This rule interprets some of the terms used in section 505E of the FD&C Act and proposes ''qualifying pathogen'' candidates. Inclusion of a pathogen on the list of ''qualifying pathogens'' does not confer any information collection requirement upon any party, particularly because inclusion of a pathogen on the list of ''qualifying pathogens'' and the QIDP designation process are distinct processes with differing standards.

The QIDP designation process will be addressed separately by the Agency at a later date. Accordingly, the Agency will analyze any collection of information or additional PRA-related burdens associated with the QIDP designation process separately.

VII. Federalism

FDA has analyzed this rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that would have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the Agency concludes that this rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

VIII. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m. Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Roberts, R. R., B. Hota, I. Ahmad, et al., ''Hospital and Societal Costs of Antimicrobial-Resistant Infections in a Chicago Teaching Hospital: Implications for Antibiotic Stewardship,'' *Clinical Infectious Diseases,* 2009;49:1175–1184 (available at *http://cid.oxfordjournals.org/content/49/8/1175.full.pdf+html*).
2. Howard, D. H., R. D. Scott II, R. Packard, et al., ''The Global Impact of Drug Resistance,'' *Clinical Infectious Diseases,* 2003;36(Suppl 1):S4–S10 (available at *http://cid.oxfordjournals.org/content/36/Supplement_1/S4.full.pdf+html*).
3. Niedell, M. J., B. Cohen, Y. Furuya, et al., ''Costs of Healthcare- and Community-Associated Infections With Antimicrobial-Resistant Versus Antimicrobial-Susceptible Organisms,'' *Clinical Infectious Diseases,* 2012;55(6):807–815 (available at *http://cid.oxfordjournals.org/content/55/6/807.full.pdf+html*).
4. Sjölund Karlsson, M., A. Bowen, R. Reporter, et al., ''Outbreak of Infections Caused by *Shigella sonnei* with Reduced Susceptibility to Azithromycin in the United States,'' *Antimicrobial Agents and Chemotherapy,* 2013;57(3):1559–60 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3591876/pdf/zac1559.pdf*).
5. Wong, M. R., V. Reddy, H. Hanson, et al., ''Antimicrobial Resistance Trends of *Shigella* Serotypes in New York City, 2006–2009,'' *Microbial Drug Resistance,* 2010;16(2):155–161 (available at *http://online.liebertpub.com/doi/pdf/10.1089/mdr.2009.0130*).
6. Alcaine, S. D., L. D. Warnick, and M. Wiedmann, ''Antimicrobial Resistance in Nontyphoidal Salmonella'' *Journal of Food Protection,* 2007;70(3):780–790 (available at (*http://fdamedlibmd.library.ingentaconnect.com/content/iafp/jfp/2007/00000070/00000003/art00039?token=004f1d70bd125ed42bda039412f415d763f252445744a6c246c514d25304829552c4b49266d656c*).
7. Mandell, G. L., J. E. Bennett, R. Dolin, et al., *Mandell, Douglas, and Bennett's Principles and Practice of Infectious Diseases.* 7th Ed. Philadelphia: Churchill Livingstone Elsevier, 2010.
8. Shah, H. N., I. Olsen, K. Bernard, et al., ''Approaches to the Study of the Systematics of Anaerobic, Gram-negative, Non-sporeforming Rods: Current Status and Perspectives,'' *Anaerobe,* 2009;15(5):179–194 (available at *http://www.sciencedirect.com/science/article/pii/S1075996409001206*).
9. Feingold, S. M., *Microbiology.* 4th Ed. Galveston: University of Texas Medical Branch at Galveston, 1996, Ch. 20 (available at *http://www.ncbi.nlm.nih.gov/books/NBK8438/*).
10. Ngo, J. T., M. D. Parkins, D. B. Gregson, et al., ''Population-based Assessment of the Incidence, Risk Factors, and Outcomes of Anaerobic Bloodstream Infections,'' *Infection,* 2013;41(1):41–48 (available at *http://link.springer.com/article/10.1007%2Fs15010-012-0389-4/fulltext.html*).
11. Lassmann, B., D. R. Gustafson, C. M. Wood, and J. E. Rosenblatt, ''Reemergence of Anaerobic Bacteremia,'' *Clinical Infectious Diseases,* 2007; 44(7):895–900 (available at *http://cid.oxfordjournals.org/content/44/7/895.long*).
12. Goldstein, E. J. C., D. M. Citron, S. A. Vaidya, et al., ''In Vitro Activity of 11

Antibiotics Against 74 Anaerobes Isolated from Pediatric Intra-abdominal Infections,'' *Anaerobe,* 2006;12:63–66 (available at *http://www.sciencedirect.com/science/article/pii/S1075996405001356*).

13. Jamal W., M. Shahin, and V. O. Rotimi, ''Surveillance and Trends of Antimicrobial Resistance Among Clinical Isolates of Anaerobes in Kuwait Hospitals from 2002 to 2007,'' *Anaerobe,* 2010;16(1):1–5 (available at *http://www.sciencedirect.com/science/article/pii/S1075996409000742*).
14. Behra-Miellet, J., L. Calveta, F. Mory, et al., ''Antibiotic Resistance Among Anaerobic Gram-negative Bacilli: Lessons from a French Multicentric Survey,'' *Anaerobe,* 2003;9(3):105–111 (available at *http://www.sciencedirect.com/science/article/pii/S1075996403000660*).
15. Teng, L. J., P. R. Hsueh, J. C. Tsai, et al., ''High Incidence of Cefoxitin and Clindamycin Resistance among Anaerobes in Taiwan,'' *Antimicrobial Agents and Chemotherapy,* 2002;46(9):2908–2913 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC127412/*).
16. Liu, C. Y., Y. T. Huang, C. H. Liao, et al., ''Increasing Trends in Antimicrobial Resistance among Clinically Important Anaerobes and *Bacteroides fragilis* Isolates Causing Nosocomial Infections: Emerging Resistance to Carbapenems,'' *Antimicrobial Agents and Chemotherapy,* 2008;52(9):3161–3168 (available at *http://aac.asm.org/content/52/9/3161.full*).
17. Centers for Disease Control and Prevention, ''Summary of Notifiable Diseases—United States, 2006,'' *Morbidity and Mortality Weekly Report,* 2008;55(53):1–94 (available at *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5553a1.htm*).
18. Centers for Disease Control and Prevention, ''Summary of Notifiable Diseases—United States, 2008,'' *Morbidity and Mortality Weekly Report,* 2010;57(54):1–99 (available at *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5754a1.htm*).
19. Centers for Disease Control and Prevention, ''Notifiable Diseases and Mortality Tables,'' *Morbidity and Mortality Weekly Report,* 2013;62(64):ND–635–ND–648 at Table 1 (available at *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6246md.htm?s_cid=mm6246md_w*).
20. Centers for Disease Control and Prevention, ''Bioterrorism Agents/Diseases'' (available at *http://emergency.cdc.gov/agent/agentlistcategory.asp*).
21. Pappas, G., N. Akritidis, M. Bosilkovski, et al., ''Brucellosis,'' *New England Journal of Medicine,* 2005;352(22):2325–2336 (available at *http://www.nejm.org/doi/pdf/10.1056/NEJMra050570*).
22. Abdel-Maksoud, M., B. House, M. Wasfy, et al., ''In Vitro Antibiotic Susceptibility Testing of *Brucella* Isolates from Egypt between 1999 and 2007 and Evidence of Probable Rifampin Resistance,'' *Annals of Clinical Microbiology and Antimicrobials,* 2012;11(24):1–4 (available at *http://www.ann-clinmicrob.com/content/pdf/1476-0711-1124.pdf*).
23. Kinsara, A., A. Al-Mowallad, and A. O. Osoba, ''Increasing Resistance of Brucellae to Co-Trimoxazole,'' *Antimicrobial Agents and Chemotherapy,* 1999;43(6):1531 (available at *http://aac.asm.org/content/43/6/1531.full*).
24. Tanyele, E., A. Y. Coban, S. T. Koruk, et al., ''Actual Antibiotic Resistance Pattern of *Brucella melitensis* in Central Anatolia: An Update From and Endemic Region,'' *Saudi Medical Journal,* 2007;28(8):1239–1242 (available at *http://www.smj.org.sa/PDFFiles/Aug07/13Actual20061258.pdf*).
25. Parlak, M., H. Güdücüoğlu, Y. Bayram, et al., ''Identification and Determination of Antibiotic Susceptibilities of *Brucella* Strains Isolated from Patients in Van, Turkey by Conventional and Molecular Methods, *International Journal of Medical Sciences,* 2013;10(10):1406–1411 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3753419/*).
26. Maves, R. C., R. Castillo, A. Guillen, et al., ''Antimicrobial Susceptibility of *Brucella melitensis* Isolates in Peru,'' Antimicrobial Agents and Chemotherapy, 2011;55(3):1279–1281 (available at *http://aac.asm.org/content/55/3/1279.full*).
27. Centers for Disease Control and Prevention, ''Healthcare-associated Infections: *Clostridium sordellii''* (available at *http://www.cdc.gov/HAI/organisms/cSordellii.html*).
28. McGuigan, C. C., G. M. Penrice, L. Gruer, et al., ''Lethal Outbreak of Infection with *Clostridium novyi* Type A and Other Spore-Forming Organisms in Scottish Injecting Drug Users,'' *Journal of Medical Microbiology,* 2002;51(11): 971–977 (available at *http://jmm.sgmjournals.org/content/51/11/971*).
29. Centers for Disease Control and Prevention, ''Food Safety: *Clostridium perfringens''* (available at *http://www.cdc.gov/foodsafety/clostridium-perfingens.html*).
30. Wahl, E., S. Rømma, and P. E. Granum, ''A *Clostridium perfringens* Outbreak Traced to Temperature-Abused Beef Stew, Norway, 2012,'' *Euro Surveillance,* 2013;18(9):1–6 (available at *http://www.eurosurveillance.org/images/dynamic/EE/V18N09/art20408.pdf*).
31. Roach, R. L. and D. G. Sienko, ''*Clostridium perfringens* Outbreak Associated with Minestrone Soup,'' *American Journal of Epidemiology*, 1992;136(10):1288–1291 (available at *http://aje.oxfordjournals.org/content/136/10/1288*).
32. *Bad Bug Book: Handbook of Foodborne Pathogenic Microorganisms and Natural Toxins,* 2nd Ed., at p. 108 (available at *http://www.fda.gov/downloads/Food/FoodborneIllnessContaminants/UCM297627.pdf*).
33. Stevens, D. L., M. J. Aldape, and A. E. Bryant, ''Life-threatening Clostridial Infections,'' *Anaerobe,* 2012;18(2):254–259 (available at *http://ac.els-cdn.com/S1075996411002034/1-s2.0-S1075996411002034-main.pdf?_tid=e1c1a938-56ad-11e3-8613-00000aacb360&acdnat=1385479236_1b34c7f261b58903f6c3615637e7f171*).
34. Centers for Disease Control and Prevention, ''Making Healthcare Safer: Stopping *C. difficile* Infections,'' *Vital Signs,* March 2012 (available at *http://www.cdc.gov/vitalsigns/hai/*).
35. Redelings, M. D., F. Sorvino, and L. Mascola, ''Increase in *Clostridium difficile*-Related Mortality Rates, United States, 1999–2004,'' *Emerging Infectious Diseases,* 2007;13(9):1417–1419 (available at *http://wwwnc.cdc.gov/eid/article/13/9/pdfs/06–1116.pdf*).
36. Hall, A. J., A. T. Curns, L. C. McDonald, et al., ''The Roles of *Clostridium difficile* and Norovirus Among Gastroenteritis-Associated Deaths in the United States, 1999–2007,'' *Clinical Infectious Diseases,* 2012;55(2):216–223 (available at *http://cid.oxfordjournals.org/content/55/2/216*).
37. Wybo, I., et al., ''Third Belgian Multicentre Survey of Antibiotic Susceptibility of Anaerobic Bacteria,'' *Journal of Antimicrobial Chemotherapy,* 2007;59(1):132–9 (available at *http://jac.oxfordjournals.org/content/59/1/132.long*).
38. Lee, Y., Y. Park., M. S. Kim, et al., ''Antimicrobial Susceptibility Patterns for Recent Clinical Isolates of Anaerobic Bacteria in South Korea,'' *Antimicrobial Agents and Chemotherapy,* 2010;54(9):3993–7 (available at *http://aac.asm.org/content/54/9/3993.full.pdf+html?sid=9749321a-df16-4cd4-96f0-e131173f6de0*).
39. Leal, J., D. B. Gregson, T. Ross, et al., ''Epidemiology of *Clostridium* Species Bacteremia in Calgary, Canada, 2000–2006,'' *Journal of Infection,* 2008;57:198–203 (available at *http://www.ncbi.nlm.nih.gov/pubmed/18672296*).
40. Tansuphasiri, U., W. Matra, and L. Sangsuk, ''Antimicrobial Resistance among *Clostridium perfringens* Isolated from Various Sources in Thailand,'' *Southeast Asian Journal of Tropical Medicine and Public Health,* 2005;36(4):954–961 (available at *http://www.tm.mahidol.ac.th/seameo/2005_36_4/22-3569.pdf*).
41. Bannam, T. L., W. L. Teng, D. Bulach, et al., ''Functional Identification of Conjugation and Replication Regions of the Tetracycline Resistance Plasmid pCW3 from *Clostridium perfringens,'' Journal of Bacteriology,* 2006;188(13):4942–4951 (available at *http://jb.asm.org/content/188/13/4942.long*).
42. Soge, O. O., L. D. Tivoli, J. S. Meschke, et al., ''A Conjugative Macrolide Resistance Gene, *mef*(A), in Environmental *Clostridium perfringens* Carrying Multiple Macrolide and/or Tetracycline Resistance Genes,'' *Journal*

of Applied Microbiology, 2009;106(1):34–40 (available at *http://onlinelibrary.wiley.com/doi/10.1111/j.1365-2672.2008.03960.x/abstract;jsessionid=4FA45A366BCD358380BC5A43013F0D49.f01t02*).
43. Centers for Disease Control and Prevention, ''Definition of Coccidioidomycosis (Valley Fever),'' (available at: *http://www.cdc.gov/fungal/diseases/coccidioidomycosis/definition.html*).
44. Centers for Disease Control and Prevention, ''Increase in Reported Coccidioidomycosis—United States, 1998–2011,'' MMWR, March 29, 2013, 62(12);217–221 (available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6212a1.htm?s_cid=mm6212a1_e*).
45. Galgiani, J. N., N. M. Ampel, J. E. Blair, et al., ''Coccidioidomycosis,'' *Clinical Infections Diseases,* 2005:41(9), 1217–1223 (available at *http://cid.oxfordjournals.org/content/41/9/1217.full.pdf+html*).
46. Centers for Disease Control and Prevention, ''Summary of Notifiable Diseases—United States, 2009,'' *Morbidity and Mortality Weekly Report,* May 13, 2011, 58(53):1–100 (available at: *http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5853a1.htm*).
47. CDC Features, ''Valley Fever: Awareness is Key'' (available at: *http://www.cdc.gov/Features/ValleyFever/index.html*).
48. Iowa State University, The Center for Food Security & Public Health, ''Coccidioidomycosis,'' 2010 (available at: *http://www.cfsph.iastate.edu/Factsheets/pdfs/coccidioidomycosis.pdf*).
49. Tsang, C. A., S. M. Anderson, S. B. Imholte, et al., ''Enhanced Surveillance of Coccidioidomycosis, Arizona, USA, 2007–2008.'' *Emerging Infectious Disease,* 2010, 16:1738–1744 (available at *http://wwwnc.cdc.gov/eid/article/16/11/pdfs/10-0475.pdf*).
50. Huang, J. Y, B. Bristow, S. Shafir, and F.Sorvillo. Coccidioidomycosis-Associated Deaths, United States, 1990–2008, *Emerging Infectious Diseases* 2012;18(11):1723–1728 (available at *http://wwwnc.cdc.gov/eid/article/18/11/pdfs/12-0752.pdf*).
51. Kriesel, J. D., D. A. Sutton, S. Schulman, et al., ''Persistent Pulmonary Infection with an Azole-Resistant *Coccidioides* Species,'' *Medical Mycology,* 2008;46(6):607–610 (available at *http://informahealthcare.com/doi/pdf/10.1080/13693780802140923*).
52. Mathisen, G., A. Shelub, J. Truong, and C. Wigen, ''Coccidioidal Meningitis: Clinical Presentation and Management in the Fluconazole Era,'' *Medicine,* 2010; 89(5):251–284 (available at: *http://www.ncbi.nlm.nih.gov/pubmed/20827104*).
53. Chayakulkeeree, M., J. R. Perfect, ''Cryptococcosis,'' *Infectious Disease Clinics of North America,* 2006:20(3):507–544 (available at *http://www.sciencedirect.com/science/article/pii/S0891552006000602*).
54. Centers for Disease Control and Prevention, ''*C. neoformans* cryptococcosis: Cryptococcosis Statistics'' (available at *http://www.cdc.gov/fungal/diseases/cryptococcosis-neoformans/statistics.html*).
55. Pyrgos, V., A. E. Seitz, C. A. Steiner, et al., ''Epidemiology of Cryptococcal Meningitis in the US: 1997–2009,'' *PLoS One,* 2013; 8(2): e56269 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3574138/).*
56. Pfaller, M.A. and D. J. Diekema, ''Epidemiology of Invasive Mycoses in North America,'' *Critical Reviews in Microbiology,* 2010; 36(1): 1–53 (available at *http://informahealthcare.com/doi/pdf/10.3109/10408410903241444*).
57. Iqbal, N., E. E. DeBess, R. Wohrle, et al., ''Correlation of Genotype and *In Vitro* Susceptibilities of *Cryptococcus gattii* Strains from the Pacific Northwest of the United States,'' *Journal of Clinical Microbiology,* 2010; 48(2):539–544 (available at *http://jcm.asm.org/content/48/2/539.long*).
58. Upton, A., J.A. Fraser, SE. Kidd, et al., ''First Contemporary Case of Human Infection with *Cryptococcus Gattii* in Puget Sound: Evidence for Spread of the Vancouver Island Outbreak,'' *Journal of Clinical Microbiology,* 2007;45(9):3086–3088 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2045307/pdf/0593-07.pdf*).
59. Duggan, J. and H. M. Walls, ''Ocular Complications of Cryptococcal Meningitis in Patients with HIV,'' *Journal of the International Association of Providers in AIDS Care* 2012;11(5):283–288 (available at *http://jia.sagepub.com/content/early/2012/06/15/1545109712448537*).
60. Harris, J. R., S. R. Lockhart, E. Debess, et al., ''*Cryptococcus gattii* in the United States: Clinical Aspects of Infection With an Emerging Pathogen,'' *Clinical Infectious Diseases,* 2011:53 (12):1188–1195 (available at *http://cid.oxfordjournals.org/content/53/12/1188.long*).
61. Perfect, J. R., W. E. Dismukes, F. Dromer, et al., ''Clinical Practice Guidelines for the Management of Cryptococcal Disease: 2010 Update by the Infectious Diseases Society of America,'' *Clinical Infectious Diseases,* 2010;50 (3):291–322 (available at *http://cid.oxfordjournals.org/content/50/3/291.full*).
62. Pfaller, M. A., D. J. Diekema, D. L. Gibbs, et al., ''Results from the ARTEMIS DISK Global Antifungal Surveillance Study, 1997 to 2007: 10.5-Year Analysis of Susceptibilities of Noncandidal Yeast Species to Fluconazole and Voriconazole Determined by CLSI Standardized Disk Diffusion Testing,'' *Journal of Clinical Microbiology,* 2009; 47(1):117–123 (available at *http://jcm.asm.org/content/47/1/117.full*).
63. Gast, C. E, L. R. Basso Jr., I. Bruzual, et al., ''Azole Resistance in *Cryptococcus gattii* from the Pacific Northwest: Investigation of the Role of *ERG11,'' Antimicrobial Agents and Chemotherapy,* 2013; 57(11):5478–5485 (available at *http://aac.asm.org/content/57/11/5478.long*) (internal citations omitted).
64. Nir-Paz, R., J. Strahilevitz, M. Shapiro, et al., ''Clinical and Epidemiological Aspects of Infection Caused By *Fusarium* Species: A Collaborative Study From Israel,'' *Journal of Clinical Microbiology,* 2004; 42(8): 3456–3461 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC497645/*).
65. Al-Abdely, H. M., ''Management of Rare Fungal Infections,'' *Current Opinion in Infectious Diseases,* 2004;17:527–532 (available at *http://www.ncbi.nlm.nih.gov/pubmed/15640706*).
66. Cave, D. R., ''How is *Helicobacter pylori* Transmitted?,'' *Gastroenterology,* 1997; 113(suppl. 6): S9–S14 (available at: *http://www.ncbi.nlm.nih.gov/pubmed/9394753*).
67. Duck, W. M., J. Sobel, J. M. Prucker, et al., ''Antimicrobial Resistance Incidence and Risk Factors Among *Helicobacter pylori*-Infected Persons, United States,'' *Emerging Infectious Disease,* 2004; 10(6) (available at *http://wwwnc.cdc.gov/eid/article/10/6/03-0744_article.htm*).
68. Centers for Disease Control and Prevention, ''*Helicobacter pylori:* Fact Sheet for Health Care Professionals,'' July 1998 (available at *http://www.cdc.gov/ulcer/files/hpfacts.PDF*).
69. Seck, A., C. Burucoa, D. Dia, et al., ''Primary Antibiotic Resistance and Associated Mechanisms in *Helicobacter pylori* Isolates from Senegalese Patients,'' *Annals of Clinical Microbiology and Antimicrobials,* 2013, 12:3, doi:10.1186/1476–0711–12–3 (available at *http://www.ann-clinmicrob.com/content/12/1/3*).
70. Rosenberg, J. J., ''*Helicobacter pylori,'' Pediatrics in Review,* 2010, 31:85–86 (available at *http://pedsinreview.aappublications.org/content/31/2/85.full.pdf+html*).
71. Everhart, J. E., D. Kruszon-Moran, G. I. Perez-Perez, et al., ''Seroprevalence and Ethnic Difference in *Helicobacter pylori* Infection Among Adults in the United States,'' *Journal of Infectious Diseases,* 2000;18(14):1359–1363 (available at *http://jid.oxfordjournals.org/content/181/4/1359.long*).
72. De Francesco, V., A. Zullo, C. Hassan, et al., ''Mechanisms of *Helicobacter pylori* Antibiotic Resistance: An Updated Appraisal,'' *World Journal of Gastrointestinal Pathophysiology,* 2011, 2(3):35–41 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3158889/?report=classic*).
73. De Francesco, V., F. Giorgio, C. Hassan, et al., ''Worldwide *H. pylori* Antibiotic Resistance: A Systematic Review,'' *Journal of Gastrointestinal and Liver Diseases,* 2010, 19(4):409–414 (available at *http://www.jgld.ro/2010/4/12.pdf*).
74. Megraud, F., S. Coenen, A. Versporten, et al., ''*Helicobacter pylori* Resistance to Antibiotics in Europe and its

Relationship to Antibiotic Consumption,'' *Gut,* 2013;62:34–42 (available at *http://gut.bmj.com/content/62/1/34.full.pdf+html*).
75. Gao, W., H. Cheng, F. Hu, et al., ''The Evolution of *Helicobacter pylori* Antibiotics Resistance Over 10 years in Beijing, China,'' *Helicobacter,* 2010; 15:460–466 (available at *http://onlinelibrary.wiley.com/doi/10.1111/j.1523-5378.2010.00788.x/pdf*).
76. Meyer, J. M., N. P. Silliman, W. Wang, et al. ''Risk Factors for *Helicobacter pylori* Resistance in the United States: The Surveillance of *H. pylori* Antimicrobial Resistance Partnership (SHARP) Study, 1993–1999,'' *Annals of Internal Medicine,* 2002;136(1):13–24 (available at *http://annals.org/article.aspx?articleid=715002*).
77. Megraud, F., ''The Challenge of *Helicobacter pylori* Resistance to Antibiotics: The Comeback of Bismuth-Based Quadruple Therapy,'' *Therapeutic Advances in Gastroenterology,* 2012, 5(2):103–109 (available at *http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3296089/*).
78. Costello, A., G. Herbert, L. Fabunmi, et al. ''Virulence of an Emerging Respiratory Pathogen, Genus *Pandoraea, in vivo* and its Interactions with Lung Epithelial Cells,'' *Journal of Medical Microbiology,* 2011;60:289–299 (available at *http://jmm.sgmjournals.org/content/60/3/289.full.pdf*).
79. Schneider, I. and A. Bauernfeind, ''Intrinsic Carbapenem-Hydrolysing Oxacillinases of *Pandoraea species*—A Tool for Species Identification?,'' Abstract, presented at the 23rd European Congress of Clinical Microbiology and Infectious Diseases 2013, Berlin, Germany (available at *http://registration.akm.ch/einsicht.php?XNABSTRACT_ID=163057&XNSPRACHE_ID=2&XNKONGRESS_ID=180&XNMASKEN_ID=900).*
80. LiPuma, J., ''The Changing Microbial Epidemiology in Cystic Fibrosis,'' *Clinical Microbiology Reviews,* 2010;23(2):299–323 (available at *http://cmr.asm.org/content/23/2/299.full*).
81. Jørgensen, I. M., H. K. Johansen, B. Frederiksen, et al., ''Epidemic Spread of *Pandoreaea apista,* a New Pathogen Causing Severe Lung Disease in Cystic Fibrosis Patients,'' *Pediatric Pulmonology,* 2003;36:439–446 (available at *http://onlinelibrary.wiley.com/doi/10.1002/ppul.10383/pdf*).
82. Murdock, D. A., ''Gram-Positive Anaerobic Cocci,'' *Clinical Microbiology Reviews,* 11(1): 81–120 (1998) (available at *http://cmr.asm.org/content/11/1/81.full.pdf+html*).
83. Ryan, K. J. and C. G. Ray, *Sherris Medical Microbiology: An Introduction to Infectious Disease,* McGraw-Hill, New York, 4th Ed., 2004.
84. Koeth, L. M., C. E. Good, P. C. Appelbaum, et al., ''Surveillance of Susceptibility Patterns in 1297 European and U.S. Anaerobic and Capnophilic Isolates to Co-amoxiclav and Five Other Antimicrobial Agents,'' *Journal of Antimicrobial Chemotherapy,* 53(6): 1039–1044 (2004) (available at *http://jac.oxfordjournals.org/content/53/6/1039.long*).
85. Brazier, J. S., V. Hall, T. E. Morris, et al., ''Antibiotic Susceptibilities of Gram-Positive Anaerobic Cocci: Results of a Sentinel Study in England and Wales,'' *Journal of Antimicrobial Chemotherapy,* 2003, 52(2): 224–228 (available at *http://jac.oxfordjournals.org/content/52/2/224.full.pdf+html*).
86. Mayers, D., *Antimicrobial Drug Resistance: Clinical and Epidemiological Aspects,* Humana Press, New York, Volume 2, page 878, 2009.
87. Cortez, K., E. Roilides, F. Quiroz-Telles, et al., Infections Caused by *Scedosporium* spp., *Clinical Microbiology Reviews,* 2008, 21(1): 157–197 (available at *http://cmr.asm.org/content/21/1/157.long*).
88. Cremer, G. and P. Boirin, ''*Scedosporium* Species: The Rising Importance of Newly Emerging Fungal Pathogens,'' *Clinical Microbiology and Infection,* 1997, 3(1): 4–6 (at 4) (available at *http://onlinelibrary.wiley.com/doi/10.1111/j.1469-0691.1997.tb00243.x/full*).
89. Cooley, L., D. Spelman, K. Thursky, et al., ''Infection with *Scedosporium apiospermum* and *S. prolificans,* Australia,'' *Emerging Infectious Disease,* 2007, 13(8): 1170–1177 (available at *http://www.nc.cdc.gov/eid/article/13/8/pdfs/06-0576.pdf*) (internal citations omitted).
90. Song, M. J., J. H. Lee, and N. Y. Lee, ''Fatal *Scedosporium prolificans* Infection in a Paediatric Patient with Acute Lymphoblastic Leukaemia,'' *Mycoses,* 2011 (54)(1): 81–83 (available at *http://onlinelibrary.wiley.com/doi/10.1111/j.1439-0507.2009.01765.x/abstract*).
91. Munoz, P., M. Marin, P. Tornero, et al., ''Successful Outcome of *Scedosporium apiospermum* Disseminated Infection Treated with Voriconazole in a Patient Receiving Corticosteroid Therapy,'' *Clinical Infectious Disease,* 2000, 31(6): 1499–1501 (available at *http://cid.oxfordjournals.org/content/31/6/1499.full*).
92. Rogers, T. R., ''Treatment of *Zygomycosis:* Current and New Options,'' *Journal of Antimicrobial Chemotherapy,* 2008, 61 (suppl 1): i35–i40 (available at *http://jac.oxfordjournals.org/content/61/suppl_1/i35.long#ref-3*).
93. Ribes, J. A., C. L. Vanover-Sams, and D. J. Baker, ''Zygomycetes in Human Disease,'' *Clinical Microbiology Reviews,* 2000, 13(2): 236–301 (available at *http://cmr.asm.org/content/13/2/236.full.pdf+html*).
94. Rees, J. R., R. W. Pinner, R. A. Hajjeh, et al., ''The Epidemiologic Features of Invasive Mycotic Infection in the San Francisco Bay Area 1992–1993: Results of a Population-Based Laboratory Active Surveillance,'' *Clinical Infectious Disease,* 1998; 27: 1138–47 (available at *http://cid.oxfordjournals.org/content/27/5/1138.long*).
95. Marr, K. A., R. A. Carter, F. Crippa, et al., ''Epidemiology and Outcome of Mold Infections in Hematopoietic Stem Cell Transplant Recipients,'' *Clinical Infectious Disease,* 2002, 34: 909–917 (available at *http://cid.oxfordjournals.org/content/34/7/909.long*).
96. Neofytos, D., D. Horn, E. Anaissie, et al., ''Epidemiology and Outcome of Invasive Fungal Infection in Adult Hematopoietic Stem Cell Transplant Recipients: Analysis of Multicenter Prospective Antifungal Therapy (PATH) Alliance Registry,'' *Clinical Infectious Diseases,* 2009, 48(3): 265–273 (available at *http://cid.oxfordjournals.org/content/48/3/265.full.pdf+html*).
97. Bayram, Y., H. Korkoca, C. Aypak, et al., ''Antimicrobial Susceptibilities of *Brucella* Isolates from Various Clinical Specimens,'' International Journal of Medical Sciences, 2011; 8(3): 198–202 (available at *http://www.medsci.org/v08p0198.htm*).
98. Centers for Disease Control and Prevention, ''*C. gattii* Cryptococcosis Statistics'' (available at *http://www.cdc.gov/fungal/diseases/cryptococcosis-gattii/statistics.html*).

List of Subjects in 21 CFR Part 317

Antibiotics, Communicable diseases, Drugs, Health, Health care, Immunization, Prescription drugs, Public health.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 317 is added as follows:

PART 317—QUALIFYING PATHOGENS

Sec.
317.1 [Reserved]
317.2 List of qualifying pathogens that have the potential to pose a serious threat to public health.

Authority: 21 U.S.C. 355f, 371.

§ 317.1 [Reserved]

§ 317.2 List of qualifying pathogens that have the potential to pose a serious threat to public health.

The term ''qualifying pathogen'' in section 505E(f) of the Federal Food, Drug, and Cosmetic Act is defined to mean any of the following:

(a) *Acinetobacter* species.
(b) *Aspergillus* species.
(c) *Burkholderia cepacia* complex.
(d) *Campylobacter* species.
(e) *Candida* species.
(f) *Clostridium difficile.*
(g) *Coccidioides* species.
(h) *Cryptococcus* species.
(i) Enterobacteriaceae.
(j) *Enterococcus* species.
(k) *Helicobacter pylori.*
(l) *Mycobacterium tuberculosis* complex.

(m) *Neisseria gonorrhoeae.*
(n) *Neisseria meningitidis.*
(o) Non-tuberculous mycobacteria species.
(p) *Pseudomonas* species.
(q) *Staphylococcus aureus.*
(r) *Streptococcus agalactiae.*
(s) *Streptococcus pneumoniae.*
(t) *Streptococcus pyogenes.*
(u) *Vibrio cholerae.*

Dated: May 29, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13023 Filed 6–4–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice: 8755]

RIN 1400–AD52

Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Pursuant to the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Department of State amends the immigrant visa classification table listed in the Department's regulations to add a symbol for an immigrant visa issued to to an alien who: is the parent of a current U.S.citizen, or the parent of a former U.S. citizen who, within the two-year period prior to filing the petition, lost or renounced U.S. citizenship status related to an incident of domestic violence or died; is a person of good moral character; is eligible to be classified as an immediate relative under the Immigration and Nationality Act; resides, or has resided, with the U.S. citizen daughter or son; demonstrates that he or she has been battered or subject to extreme cruelty by the U.S. citizen daughter or son; and has an approved petition from the Department of Homeland Security.

DATES: This rule becomes effective June 5, 2014.

FOR FURTHER INFORMATION CONTACT: Taylor W. Beaumont, Department of State, Bureau of Consular Affairs, Office of Visa Services, Legal Affairs, Division of Legislation and Regulations, 600 19th Street NW., Washington, DC 20431, email (*BeaumontTW@state.gov*).

SUPPLEMENTARY INFORMATION: Section 816 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, Title VIII of Public Law 109–162, codified at 8 U.S.C. 1154(a)(1)(A)(vii), created an immigrant visa classification for the parents of U.S. citizens, and the parents of former U.S. citizens who, within the past two years, have lost or renounced U.S. citizenship status related to an incident of domestic violence or died.

The Department currently identifies applicants for this status using the ''IB5'' symbol, an existing symbol used for parents of U.S. citizens who are at least 21 years old. The unique IB5 classification symbol will facilitate the Department's ability to identify applicants for such status in various immigrant visa information databases.

Regulatory Findings

A. Administrative Procedure Act

Since this rule concerns the administration of visas, which is a foreign affairs function of the United States, the Department publishes this rule as a final rule pursuant to 5 U.S.C. 553(a)(1). In addition, since this rule implements the provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005, the Department finds that notice and public comment on this rule are unnecessary, pursuant to 5 U.S.C. 553(b)(B). Accordingly, this rule is effective immediately.

B. Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this rule is exempt from notice and comment rulemaking under 5 U.S.C. 553, it is exempt from the regulatory flexibility analysis requirements set forth at sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604). Nonetheless, consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department has reviewed this regulation and certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. The Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, 109 Stat. 48, 2 U.S.C. 1532, generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule will not result in any such expenditure, nor will it significantly or uniquely affect small governments.

D. The Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121. This rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

E. Executive Order 12866

The Department does not consider this rule to be a ''significant regulatory action'' within the scope of section 3(f) of Executive Order 12866. Nonetheless, the Department has reviewed the rule to ensure its consistency with the regulatory philosophy and principles set forth in the Executive Order.

F. Executive Order 13563

The Department of State has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein.

G. Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting the application of Executive Orders 12372 and 13132.

H. Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

I. Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

J. Paperwork Reduction Act

This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

List of Subjects in 22 CFR Part 42

Aliens, Foreign officials, Immigration, Passports and visas.

22 CFR Part 42 is amended as follows:

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 42 is amended to read as follows:

Authority: 8 U.S.C. 1104 and 1182; Pub. L. 105–277; Pub. L. 108–449; 112 Stat. 2681–795 through 2681–801; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); 42 U.S.C. 14901–14954, Pub. L. 106–279; Pub. L. 111–287; 8 U.S.C. 1101, 124 Stat. 3058; 8 U.S.C. 1154, Pub. Law 109–162.

■ 2. Section 42.11 is amended by adding an entry for ''IB5'' after ''IB3'' under ''Immediate Relatives'' in the ''Immigrants'' table to read as follows:

§ 42.11 Classification symbols.

* * * * *

IMMIGRANTS

Symbol	Class	Section of law
	Immediate Relatives	
*	* * * * *	*
IB5	Self-petition Parent of U.S. Citizen	204(a)(1)(A)(vii)
*	* * * * *	*

Dated: May 12, 2014.

Michele T. Bond,

Acting Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 2014–13091 Filed 6–4–14; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0231]

RIN 1625–AA00

Safety Zone; Monongahela River; Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Monongahela River mile 68.0 to mile 68.8. This safety zone is needed to protect vessels transiting the area and event spectators from the hazards associated with the Rices Landing Riverfest Fireworks Display. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective from 9:15 p.m. until 10:30 p.m. on June 13, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0231. 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 Ronald Lipscomb, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–644–5808, email *Ronald.c.lipscomb1@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

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

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not using the NPRM process. The Coast Guard received notice on March 27, 2014 that this display would take place. After full review of the event information and location, the Coast Guard determined that a safety zone is necessary. Delaying this rule by completing the full NPRM process would unnecessarily delay the safety zone and be contrary to public interest because the safety zone is needed to protect transiting vessels, spectators, and the personnel involved in the display from the hazards associated with fireworks displays taking place near and over the waterway. The fireworks display has been advertised and the local community has prepared for the event. Completing the full NPRM process could also unnecessarily delay the planned event and possibly interfere with contractual obligations.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule by providing a full 30 days notice would be contrary to public interest because immediate action is needed to protect persons and property in the area during the land-based fireworks display.

B. Basis and Purpose

On June 13, 2014, as a part of the Rices Landing Riverfest Fireworks Display, the Rices Landing Volunteer Fire Department will sponsor a land-based fireworks display. The display will take place in the vicinity of Old

Lock 6 at mile 68.3 the Monongahela River. This event presents safety hazards for spectators and vessels navigating in the area, and therefore a safety zone is needed to protect persons and property from the hazards associated with a fireworks display near and over the waterway.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone for all waters of the Monongahela River, from mile 68.0 to mile 68.8, extending the entire width of the river. Entry into this zone is prohibited to all vessels and persons except persons and vessels specifically authorized by the Captain of the Port Pittsburgh. This rule is effective on June 13, 2014 and will be enforced from 9:15 p.m. until 10:30 p.m.

D. Regulatory Analyses

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

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. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). This rule is limited in scope and will be in effect for a limited time period and notifications will be made to the marine community by contacting local industry contacts that could be operating in the area during the event. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative. The impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the Monongahela River, mile 68.0 to 68.8 from 9:15 p.m. until 10:30 p.m. on June 13, 2014. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule is limited in scope and will be in effect for a limited time period and notifications to the marine community will be made by contacting local industry contacts that could be operating in the area during the event. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative.

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 establishes a safety zone for waters of the Monongahela River, from mile 68.0 to 68.8. 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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 2. A new temporary § 165.T08–0231 is added to read as follows:

§ 165.T08–0231 Safety Zone, Monongahela River, Pittsburgh, PA.

(a) *Location.* The following area is a safety zone: All waters of the Monongahela River, mile 68.0 to 68.8, extending the entire width of the waterway.

(b) *Effective date.* This rule is effective, and will be enforced, from 9:15 p.m. until 10:30 p.m. on June 13, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Pittsburgh or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Pittsburgh or a designated representative. The Captain of the Port Pittsburgh representative may be contacted at 412–644–5808.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Pittsburgh or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers.

(d) *Information Broadcasts.* The Captain of the Port Pittsburgh or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

Dated: May 12, 2014.

L.N. Weaver,

Commander, U.S. Coast Guard, Captain of the Port Pittsburgh.

[FR Doc. 2014–13148 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0157]

RIN 1625–AA00

Safety Zone; Allegheny River; Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Allegheny River mile 44.0 to mile 45.0. This safety zone is needed to protect vessels transiting the area and event spectators from the hazards associated with the Movie in the Park barge-based Fireworks Display. Entry into this zone is prohibited unless specifically authorized by the Captain of the Port Pittsburgh or a designated representative.

DATES: This rule is effective from 8:00 p.m. until 11:00 p.m. on June 13, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0157. 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 Ronald Lipscomb, Marine Safety Unit Pittsburgh, U.S. Coast Guard, at telephone 412–644–5808, email *Ronald.c.lipscomb1@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

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

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not using the NPRM process. The Coast Guard received notice on March 27, 2014 that this display would take place. After full review of the event information and location, the Coast

Guard determined that a safety zone is necessary. Delaying this rule by completing the full NPRM process would unnecessarily delay the safety zone and be contrary to public interest because the safety zone is needed to protect transiting vessels, spectators, and the personnel involved in the display from the hazards associated with fireworks displays taking place over the waterway. The fireworks display has been advertised and the local community has prepared for the event. Completing the full NPRM process could also unnecessarily delay the planned event and possibly interfere with contractual obligations.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule by providing a full 30 days notice would be contrary to public interest because immediate action is needed to protect persons and property in the area during the barge-based fireworks display.

B. Basis and Purpose

On June 13, 2014, as a part of the Movie in the Park, Downtown Kittanning, Inc. will sponsor a barge-based fireworks display. The display will take place in the vicinity of mile 44.5 on the Allegheny River. This event presents safety hazards for spectators and vessels navigating in the area, and therefore a safety zone is needed to protect persons and property from the hazards associated with a fireworks display over the waterway.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone for all waters of the Allegheny River, from mile 44.0 to mile 45.0, extending the entire width of the river. Entry into this zone is prohibited to all vessels and persons except persons and vessels specifically authorized by the Captain of the Port Pittsburgh. This rule is effective on June 13, 2014 and will be enforced from 8:00 p.m. until 11:00 p.m.

D. Regulatory Analyses

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

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. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). This rule is limited in scope and will be in effect for a limited time period and notifications to the marine community by contacting local industry contacts that could be operating in the area during the event. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative. The impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 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 will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit the Allegheny River, mile 44.0 to 45.0 from 8:00 p.m. until 11:00 p.m. on June 13, 2014. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule is limited in scope and will be in effect for a limited time period and notifications to the marine community will be contacting local industry contacts that could be operating in the area during the event. Deviation from the rule may be requested and will be considered on a case-by-case basis by the Captain of the Port or a designated representative.

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 establishes a safety zone for waters of the Allegheny River, from mile 44.0 to 45.0. 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. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 2. A new temporary § 165.T08–0157 is added to read as follows:

§ 165.T08–0157 Safety Zone, Allegheny River, Pittsburgh, PA.

(a) *Location.* The following area is a safety zone: All waters of the Allegheny River, mile 44.0 to 45.0, extending the entire width of the waterway.

(b) *Effective date.* This rule is effective, and will be enforced, from 8:00 p.m. until 11:00 p.m. on June 13, 2014.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Pittsburgh or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the Captain of the Port Pittsburgh or a designated representative. The Captain of the Pittsburgh representative may be contacted at 412–644–5808.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Pittsburgh or their designated representative. Designated Captain of the Port representatives include United States Coast Guard commissioned, warrant, and petty officers.

(d) *Information Broadcasts.* The Captain of the Port Pittsburgh or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone as well as any changes in the planned schedule.

Dated: May 19, 2014.

L.N. Weaver,

Commander, U.S. Coast Guard Captain of the Port Pittsburgh.

[FR Doc. 2014–13140 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2012–0375]

RIN 1625–AA00

Safety Zone, Milwaukee Harbor, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in Milwaukee Harbor, Milwaukee, WI for annual fireworks displays in the Captain of the Port, Lake Michigan zone at specified times from June 7, 2014, until September 6, 2014. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks displays. During the aforementioned periods, the Coast Guard will enforce restrictions upon, and control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port, Lake Michigan.

DATES: The regulations in 33 CFR 165.935 will be enforced at specified times from June 7, 2014, through September 6, 2014.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7148, email *joseph.p.mccollum@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone listed in 33 CFR 165.935, Safety Zone, Milwaukee Harbor, Milwaukee, WI, at the following times for the following events:

(1) *Pridefest fireworks display* on June 7, 2014, from 9:15 p.m. until 10:15 p.m.;

(2) *Polish Fest fireworks display* on June 14, 2014, from 10:15 p.m. until 11:15 p.m.;

(3) *Summerfest fireworks display* on June 25, 2014, and July 2, 2014 from 9:15 p.m. until 10:30 p.m.;

(4) *Festa Italiana fireworks display* on each day of July 18, 19, and 20, 2014, from 10:15 p.m. until 11:15 p.m.;

(5) *Arab World Festival fireworks display* on August 9, 2014, from 9:15 p.m. until 10:15 p.m.;

(6) *German Fest fireworks display* on July 25, 2014, from 10:15 p.m. until 11:15 p.m.;

(7) *Irish Fest fireworks display* on August 17, 2014, from 10:15 p.m. until 11:15 p.m.;

(8) *Indian Summer fireworks display* on September 6, 2014, from 9:45 p.m. until 10:45 p.m.

This safety zone will encompass the waters of Lake Michigan within Milwaukee Harbor including the Harbor Island Lagoon enclosed by a line connecting the following points: beginning at 43°02′00″ N, 087°53′53″ W; then south to 43°01′44″ N, 087°53′53″ W; then east to 43°01′44″ N, 087°53′25″ W; then north to 43°02′00″ N, 087°53′25″ W; then west to the point of origin. All vessels must obtain permission from the Captain of the Port, Lake Michigan, or his or her on-scene representative to enter, move within, or exit the safety zone. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port, Lake Michigan, or his or her on-scene representative. This document is issued under authority of 33 CFR 165.935 Safety Zone, Milwaukee Harbor, Milwaukee, WI and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement period via broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port, Lake Michigan, or his or her on-scene representative may be contacted via VHF Channel 16.

Dated: May 21, 2014.

M.W. Sibley,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2014–13147 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0338]

Safety Zone; Independence Day Fireworks, Kings Beach, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

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

DATES: The regulations in 33 CFR 165.1191, Table 1, number 17, will be enforced from 7 a.m. through 10 p.m. on July 3, 2014.

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

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in navigable waters around and under the fireworks barge within a radius of 100 feet during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 7 a.m. until 9 a.m. on July 3, 2014, the fireworks barge will be loading pyrotechnics off of Tahoe Keys Marina in South Lake Tahoe, CA in approximate position 38°56′05″ N, 120°00′09″ W (NAD 83). From 9 a.m. to 11 a.m. on July 3, 2014, the loaded fireworks barge will transit from Tahoe Keys Marina to the launch site off of Kings Beach, CA in approximate position 39°13′55″ N, 120°01′42″ W (NAD 83) where it will remain until the commencement of the fireworks display. Upon the commencement of the 30 minute fireworks display, scheduled to begin at 9:30 p.m. on July 3, 2014, the safety zone will increase in size to encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet in approximate position 39°13′55″ N, 120°01′42″ W (NAD 83) for the Independence Day Fireworks, Kings beach, CA in 33 CFR 165.1191, Table 1, Item number 17. This safety zone will be in effect from 7 a.m. until 10 p.m. on July 3, 2014.

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

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 22, 2014.

Gregory G. Stump,

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

[FR Doc. 2014–13142 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[ED–2014–OSERS–0025]

Final Priority; National Institute on Disability and Rehabilitation Research—Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

[CFDA Number: 84.133E–5.]

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for the Disability and Rehabilitation Research Projects and Centers Program

administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, we announce a priority for a Rehabilitation Engineering Research Center (RERC) on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairments. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2014 and later years. We take this action to focus research attention on an area of national need. We intend the priority to contribute to improved outcomes related to independence in daily activities in the home, community, or workplace setting for adults with cognitive impairments.

DATES: *Effective Date:* This priority is effective July 7, 2014.

FOR FURTHER INFORMATION CONTACT: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. The program is also intended to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers

The purpose of the RERCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities in important topical areas as specified by NIDRR with guidance from its Rehabilitation Research Advisory Council. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RERC program can be found at: *http://www2.ed.gov/programs/rerc/index.html#types.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority for this program in the **Federal Register** on April 2, 2014 (79 FR 18490). That notice contained background information and our reasons for proposing the particular priority.

There are no differences between the proposed priority and this final priority.

Public Comment: In response to our invitation in the notice of proposed priority we did not receive any comments on the proposed priority.

Final Priority

The Assistant Secretary for Special Education and Rehabilitative Services establishes a priority for a RERC on Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairments.

The RERC must focus on innovative technological solutions, new knowledge, and implementation strategies that enhance the independence and self-management of adults with cognitive impairment.

Under this priority, the RERC must research, develop, and evaluate new technologies, or adapt and evaluate existing technologies, to enhance the ability of adults with cognitive impairment to perform daily activities of their choice in the home, community, or workplace. Technologies developed or adapted must be designed for commercialization as consumer products or for integration into rehabilitation practice or relevant service delivery systems. Research and development topics under this priority may include, but are not limited to: Monitoring and prompting technologies or other information or communication aids; assistive technologies, including socially assistive robotics; mobile and wearable technologies; virtual reality; and care coordination or tele-health, tele-rehabilitation, and other tele-support systems to facilitate improved activities of daily living.

In responding to this priority, applicants must specify the target populations or subgroups of adults with cognitive impairments that they intend to focus on and identify the setting or settings for which they intend to develop technologies: Home, community, or workplace. Applicants must also limit the number of research and development projects to a maximum of eight, and restrict the range of different types of technologies to what is manageable with available resources.

Under this priority, the RERC must be designed to contribute to the following outcomes:

(a) Increased technical and scientific knowledge relevant to technologies for increasing independence in daily living for adults with cognitive impairments. The RERC must contribute to this outcome by establishing a rigorous research and development plan that is balanced between technology development or adaption and technology evaluation and incorporates needs assessment, usability testing, and intervention development or efficacy studies, as appropriate. The research and development plan must be designed to build a base of evidence for assessing the usability, accessibility, acceptance, utility, and cost-benefit of technologies intended to improve independence in daily activities for adults with cognitive impairment in the home, community, or workplace settings. The RERC must contribute to this outcome by:

(i) Building a transdisciplinary team of collaborators from relevant disciplines, such as: Rehabilitation and bio-engineering, computer science, human factors specialists, cognitive and behavioral scientists, clinicians, and other relevant providers;

(ii) Conducting research and research syntheses or secondary analysis of existing data to evaluate user needs and specify the accessibility, acceptance, and human factors design features that will need to be built into the technology solutions developed and evaluated by the RERC to accommodate the cognitive impairments and preferences of the target population;

(iii) Conducting rigorous usability testing in the settings in which the technology will be used;

(iv) Developing and prioritizing a list of evaluation topics that, when addressed, will lead to research-based information on the utility or efficacy of technology solutions developed by the RERC; and

(v) Involving key stakeholders in the research and research planning activities to maximize the relevance and usefulness of the research products being developed. Stakeholders can include, but are not limited to, individuals with disabilities and their families; national, State, or local-level policymakers, administrators, or service providers; and industry representatives.

(b) Improved usability and effectiveness of technologies, products, devices, systems, performance guidelines, and assessment tools through systematic development or adaptation, testing, and evaluation of innovations. In developing the technologies under this priority the RERC must:

(i) Incorporate user-centered design strategies and consider the context in which the technology product, device, or system will be used;

(ii) Emphasize the principles of universal design and, as appropriate, conform to human factors standards, such as reliability, safety, and simplicity; accessibility and acceptability to users; protective of users' privacy preferences; intuitive user interfaces; feedback in meaningful sensory modalities; and appropriateness to diverse populations;

(iii) Incorporate ongoing training opportunities or user supports into the design of the technology or into the practice settings or delivery systems in which the technology will be integrated; and

(iv) Ensure that the technologies are interoperable within existing rehabilitation systems or home or mobile technologies and that they communicate with existing information technology systems, as appropriate.

(c) Improved research capacity areas that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by collaborating with the relevant institutions of higher education, professional associations, clinicians and service providers, and other researchers or educators, as appropriate.

(d) Improved awareness and understanding of cutting-edge developments and promising technology solutions that will contribute to enhancing the ability of adults with cognitive impairment to perform daily activities. The RERC must contribute to this outcome by identifying and communicating with relevant stakeholders, including NIDRR, individuals with disabilities and their representatives, disability organizations, service providers, professional journals, manufacturers, and other interested parties regarding trends and evolving product concepts related to its designated priority research area.

(e) Increased impact of research and development activities carried out under this priority area. The RERC must contribute to this outcome by:

(i) Providing technical assistance to relevant public and private organizations, individuals with disabilities and their families, long-term services and supports providers, and employers on policies, guidelines, and standards; and

(ii) Establishing or contributing to an existing program or service that provides objective information and technical and consumer reviews about technologies of promise to support independence in daily living for adults with cognitive impairments.

(f) Increased transfer of RERC-developed technologies to the marketplace for widespread testing and use by developing and implementing a plan to ensure that technologies developed by the RERC are made available to the public or to service delivery systems that serve the public. This technology transfer plan must be developed in the first year of the project period in consultation with the NIDRR-funded Center on Knowledge Translation for Technology Transfer.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully. The new RERC would generate, disseminate, and promote the use of new information that is intended to improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

Accessible Format: Individuals with disabilities can obtain this document 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**.

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: June 2, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–13095 Filed 6–4–14; 8:45 am]

BILLING CODE 4000–01–P

POSTAL SERVICE

39 CFR Part 111

Elimination of Business Reply Mail (BRM) Parcels; Deferral of Enforcement Date

AGENCY: Postal Service™.

ACTION: Final rule; partial deferral of the enforcement date.

SUMMARY: The Postal Service gives notice that it is deferring the previously-announced enforcement date of January 25, 2015, for eliminating mailers' option to use Business Reply Mail® to pay postage for parcel-shaped items.

DATES: The enforcement date for the relevant portions of the final rule published December 18, 2013 (78 FR 76548), is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Suzanne Newman, 603–673–2002.

SUPPLEMENTARY INFORMATION: The Postal Service hereby gives notice that the enforcement date of January 25, 2015, for eliminating mailers' option to use Business Reply Mail (BRM) to pay postage for parcel-shaped items, previously published on December 18, 2013, in a final rule in the **Federal Register** (78 FR 76548–76560), is hereby deferred until further notice. In particular, this deferral applies to the requirements specified in the amendment to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) 505.1.4.1 (Business Reply Mail—General Information—Description) published at 78 FR 76560. The decision to defer the enforcement date of this change was based on the review of subsequent mailer feedback. All other requirements that were published in the **Federal Register** (78 FR 76548–76560) will be implemented as specified.

Despite the decision to defer the above referenced enforcement date, the Postal Service continues to believe that mailers who currently distribute BRM cartons and labels for the return of parcel-shaped items would be better served by switching to Merchandise Return Service® In light of mailers' continuing eligibility to use BRM for the payment of postage for parcel-shaped items, and the Postal Service's goal of promoting enhanced package visibility, the Postal Service expects to propose rules mandating the use of an Intelligent Mail® package barcode on certain BRM cartons and labels.

Stanley F. Mires,

Attorney, Legal Policy & Legislative Advice.

[FR Doc. 2014–13042 Filed 6–4–14; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2003–0009; FRL–9911–82–Region 10]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Harbor Oil Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of the Harbor Oil Superfund Site (Site) located at 11535 North Force Avenue in Portland, Oregon, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Oregon, through the Department of Environmental Quality have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: *Effective Date:* This action is effective June 5, 2014.

ADDRESSES: EPA has established a docket for this action under Docket

Identification No. EPA–HQ–SFUND–2003–0009. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the site information repositories. Locations, contacts, phone numbers and viewing hours are:

EPA Superfund Records Center

1200 6th Ave., 7th floor, Seattle, WA 98101–3140 and:

Historic Kenton Firehouse

8105 North Brandon St., Portland, OR 97217, 503–823–0215.

FOR FURTHER INFORMATION CONTACT: Christopher Cora, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, ECL–115, 1200 Sixth Avenue, Suite 900, Seattle, WA 98107, (206) 553–1478, email: *cora.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Harbor Oil Superfund Site located at 11535 North Force Avenue in Portland, Oregon. A Notice of Intent to Delete for this Site was published in the **Federal Register** (79 FR 19037–19039) on April 7, 2014.

The closing date for comments on the Notice of Intent to Delete was May 16, 2014. No public comments were received. Since there were no comments, EPA is finalizing the deletion of the Site from the NPL. No responsiveness was prepared.

EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Deletion from the NPL does not preclude further remedial action. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system. Deletion of a site from the NPL does not affect responsible party liability in the unlikely event that future conditions warrant further actions.

List of Subjects in 40 CFR Part 300

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

Dated: May 27, 2014.

Dennis J. McLerran,

Regional Administrator.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

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

Appendix B to Part 300—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for ''OR'', ''Harbor Oil'', ''Portland''.

[FR Doc. 2014–13059 Filed 6–4–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 383 and 390

[Docket No. FMCSA–2013–0457]

Motor Carrier Management Information System (MCMIS) Changes To Improve Uniformity in the Treatment of Inspection Violation Data

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Interpretative Rule and Statement of Policy.

SUMMARY: FMCSA announced proposed changes to its Motor Carrier Management Information System (MCMIS) on December 2, 2013. These changes will allow the States to reflect the results of adjudicated citations related to roadside inspection violation data collected in MCMIS. Individuals must submit certified documentation of adjudication results through a Request for Data Review (RDR) in FMCSA's DataQs system to initiate this process. MCMIS is being modified to accept adjudication results showing that a citation was dismissed or resulted in a finding of not guilty; resulted in a conviction of a different or lesser charge; or, resulted in conviction of the original charge. The adjudication results will impact the use of roadside inspection violation data in other FMCSA data systems. These changes are intended to improve roadside inspection data quality. This document describes the MCMIS changes, responds to comments received on the proposed changes and provides the schedule for implementation of these changes.

DATES: June 2, 2014.

FOR FURTHER INFORMATION CONTACT: Ms. Courtney Stevenson, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone 202–366–5241 or by email: *courtney.stevenson@dot.gov.* FMCSA office hours are from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, call Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

On December 2, 2013 (78 FR 72146), FMCSA encouraged interested parties to submit comments and related materials to docket number FMCSA–2013–0457.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this document as being available in the docket, go to *http://www.regulations.gov* and insert the docket number, ''FMCSA–2013–0457'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Privacy Act

All comments the Agency received were posted without change to *http://www.regulations.gov* and include any personal information provided. Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

II. Executive Summary

Complete, timely, accurate, and consistently-reported inspection data

enables FMCSA to achieve its safety mission by identifying and addressing trends in regulatory compliance. States adopt and enforce Federal standards for motor carrier safety and hazardous materials transportation under State law as an eligibility requirement for receipt of grant funds under the Motor Carrier Safety Assistance Program (MCSAP). MCSAP also requires that States report violations discovered through roadside inspections to FMCSA data systems and that they participate in FMCSA's national data correction system known as DataQs.

In addition to the inspection data reported to FMCSA, States may issue a citation associated with a violation noted in the roadside inspection. Such citations may subsequently be adjudicated in a due process system. The change reflected in this document and in FMCSA's data systems will allow motor carriers or drivers to submit the results of an adjudicated citation through the DataQs system. After confirming the adequacy of the documentation submitted in an RDR, the State will submit the adjudication results into the new field created to record this information.

Adjudication results recorded in MCMIS will potentially impact other FMCSA data systems, such as the Agency's Safety Measurement System (SMS) and the Pre-employment Screening Program (PSP).

Based on feedback to the December 2, 2013, notice, the Agency has determined that it will not apply this policy retroactively. The policy announced in this document applies to inspections occurring on or after August 23, 2014. Accordingly DataQs will be modified to accept RDRs related to adjudicated citations in August 2014. The August 23, 2014, date is based on the time needed for State implementation of compatible State information technology (IT) systems able to record and transmit the adjudication data.

III. Compliance With the Administrative Procedure Act

This document announces changes to MCMIS that support a more consistent program for handling DataQs seeking recognition of adjudicated citations. This document contains a general statement of policy and reflects a change in Agency practice and procedures with respect to the handling of adjudicated citations through DataQs and in Agency information systems. The Administrative Procedure Act (APA), 5 U.S.C. 552(a)(1)(D), requires agencies to provide public notice of statements of general policy by publication in the **Federal Register**. Such ''interpretative rules, general statements of policy or rules of agency organization, procedure, or practice'' are not subject to the APA's notice and comment requirements (5 U.S.C. 553(b)(A)). This document does not amend any Agency regulation nor does it change how data correction is sought through DataQs. The IT and program changes announced in this document allow FMCSA and the States to receive more complete information on the subsequent disposition of citations issued during roadside inspections by accepting certified records of adjudication results submitted through the DataQs process.

Presently, MCMIS contains records of inspections, including violations observed by law enforcement officers, during such commercial motor vehicle (CMV) inspections. See 78 FR 59082, 59083 (September 25, 2013). Because MCMIS has always been a system that records roadside inspection data, MCMIS records presently do not reflect convictions, acquittals or other subsequent adjudications or adjustments of charges that occur during subsequent due process proceedings. A driver has always been able to challenge the correctness of a violation that has been cited in a roadside inspection report using the DataQs system, whether a citation has been issued for that violation or not.

As currently required in the MCSAP grant program, pursuant to 49 CFR 350.201(s), the States must ''establish a program to ensure that accurate, complete, and timely motor carrier safety data are collected and reported, and ensure the State's participation in a national motor carrier safety data correction system prescribed by FMCSA.'' Today's announced policy change is thus within the scope of the current MCSAP program.

IV. Background

A. Databases for Inspection Data

State and local law enforcement officials routinely conduct roadside inspections documenting violations of laws or regulations that are compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs). See 49 CFR 350.105 (defining ''compatible or ''compatibility''). These law enforcement officials, at their discretion, may issue citations for the violations recorded on the roadside inspection report. States are responsible for entering roadside inspection and violation data into SafetyNet, a database management system that allows entry, access, analysis, and reporting of data from driver/vehicle inspections, crashes, investigations, assignments, and complaints. SafetyNet provides data to MCMIS that interfaces with several databases, including: (1) The Safety and Fitness Electronic Records (SAFER) system; (2) PSP; and (3) SMS. SafetyNet and MCMIS have always contained records of inspections and reportable crashes.

B. Motor Carrier Safety Data Correction System

As noted, pursuant to 49 CFR 350.201(s), one condition for participation in the Motor Carrier Safety Assistance Program (MCSAP) is that a State establish a program to ensure that accurate and timely motor carrier safety data are collected and reported and that the State participates in a national motor carrier safety data correction system prescribed by FMCSA. DataQs is that national motor carrier data correction system (49 CFR 350.211) (State certification at paragraph 11). DataQs is an online system that provides an electronic means for drivers, motor carriers, and members of the public to submit concerns about the accuracy of crash, inspection, and violation data in FMCSA data systems. When a request for an RDR is filed, the DataQs system automatically forwards the request to the appropriate Federal or State office for processing and resolution (*https://dataqs.fmcsa.dot.gov/*).

The data system and policy changes announced in this document will allow drivers, motor carriers, and members of the public to file an RDR in FMCSA's DataQs system and to seek acknowledgement of the adjudication in the inspection record. The change in the State data systems will parallel corresponding changes to FMCSA data systems. A citation that has been resolved through a judicial or administrative process, regardless of outcome, is considered to be adjudicated.

FMCSA believes these changes will (1) provide a uniform and orderly process to incorporate recording adjudicated citations through DataQs under the State's MCSAP Commercial Vehicle Safety Plans and budgets (see 49 CFR 350.213 for description of CVSP); (2) provide an effective process to ensure system effectiveness and data quality; and (3) reduce the cost of applying and implementing these changes across the Agency and the States. FMCSA is requiring that MCSAP grantees follow this policy of recording adjudication results as a condition of their grant funding under 49 CFR 350.201.

V. Discussion of Public Comments and FMCSA Responses

A. General Discussion

FMCSA announced proposed changes to MCMIS on December 2, 2013 (78 FR 72146). The Agency received 111 unique comments during the 30-day comment period. Seventy of the 111 comments supported the proposed changes, with commenters stating that this change will help ensure that drivers and carriers are treated justly. Steve Davis, a fleet owner for FedEx Ground, said, ''I strongly approve of this change to allow updated court information to be included in MCMIS. This will improve uniformity without question and give a true account of the resolution of violation information.'' More than half of the supporting commenters (38) did not identify themselves with a specific stakeholder group. The remaining commenters in support of the changes were motor carriers (17) and representatives of industry associations (9) and the Commercial Motor Vehicle Safety Alliance (CVSA).

The motor carriers that commented included Coach USA, DART Transit Company, J.B. Hunt, Sharp Transport, Inc., and Stallion Transportation Group. The industry associations that submitted comments included the Alliance for Safe, Efficient and Competitive Trucking Transportation (ASECTT), American Bus Association (ABA), American Moving and Storage Association (AMSA), American Trucking Associations, Inc. (ATA), Institute of Makers of Explosives (IME), International Food Distributors Association (IFDA), Minnesota Trucking Association/Minnesota Trucking Associate Safety Council (MTA/MTASC), National Association of Small Trucking Companies (NASTC), Owner-Operator Independent Drivers Association, Inc. (OOIDA).

Those commenters generally opposing the changes offered suggestions to improve the proposal. These included Advocates for Highway and Auto Safety (Advocates), American Association for Justice (AAJ), the Kentucky State Police, the Pennsylvania State Police, and the West Virginia Public Service Commission. One commenter, Jeff Steeger, who did not identify himself with a particular group, objected to the policy and stated it would ''allow carriers and their drivers to improve their SMS score while demonstrating a continued lack of compliance with our safety regulations.''

The common areas of concern included enforcement impacts; pleas, dismissals, and other court actions; retroactive implementation; workload and resources; continued uniformity concerns; and questions about the impacts on SMS weighting based on violation on the conviction.

Comments to the docket also addressed consistency in the processing of RDRs, other quality assurance initiatives, crash weighting and the process for requesting appeals. Most of these issues are outside of the scope of the December 2, 2013, notice and, therefore, are not addressed herein. It should be noted, however, that the Agency is involved in separate initiatives addressing many of these issues.

FMCSA received comments seeking clarification on what is a ''conviction'' under FMCSA regulations and expressing concerns that routinely-assessed fees may inadvertently count as ''convictions.'' In Section V.A. of today's document the Agency clarifies how it interprets the regulatory definitions in 49 CFR 383.5 and 390.5.

B. Enforcement Impacts

Both law enforcement and industry commenters expressed concerns that changing how data systems address violations in roadside inspections based on adjudicated citations would result in law enforcement officers issuing fewer citations. The impact of this change would be that officers would issue more warnings, which cannot be adjudicated by a court. Four commenters affiliated with law enforcement agencies indicated that this change would result in an influx of RDRs and increased workload. Coach USA urged that, ''FMCSA should not accept information regarding violations from state officials unless the state issued a citation for the alleged violation at issue.''

FMCSA acknowledges that law enforcement agencies may alter their enforcement practices as a result of today's policy change. However, it remains the Agency's position that these process changes will improve data quality, accuracy, and uniformity. The Agency's interests are in capturing fair and accurate violations in MCMIS. FMCSA has never provided direction to law enforcement on when to issue citations and defers to those agencies for the best ways to enforce the violations they observe.

C. Dismissals, Pleas and Other Court Actions

The treatment of dismissed citations was the most common topic addressed by commenters. Sixteen commenters argued that a dismissed citation does not always indicate that the violation did not occur at the time of the inspection and, therefore, dismissed citations should not be the sole basis for removing violations from inspection reports. These commenters expressed the opinion that often citations are dismissed based on plea bargaining or technical issues such as the carrier's or driver's evidence of corrective action, a lenient judge or jury, an absent officer-witness, or a clerical error.

Several commenters expressed concern that there will be increased attempts to plea bargain to a violation with a lower severity weight to improve SMS scores. Additionally, commenters expressed concern about court clerks causing errors or officers being unable to attend hearings, resulting in dismissals. Lt. Colonel Keith Percy of the Kentucky State Police, stated that ''Criminal court systems, already overburdened with cases considered more serious than traffic violations, are under great pressure to deal cases away, and traffic cases fall away with little, if any, political consequence.''

Advocates for Highway and Auto Safety recommended that ''the agency should maintain discretion to retain citations, even when dismissed, if such dismissals are not on the merits and indicate a pattern and practice that would violate the prohibition against masking of traffic violations.''

FMCSA acknowledges that these scenarios may occur. However, there are checks and balances in place to prevent improper dismissal of commercial driver violations, including 49 CFR 384.226 that prohibits States from masking convictions, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a commercial learner's permit (CLP) or CDL holder's conviction from appearing on the Commercial Driver's License Information System (CDLIS) driving record.

On the issue of burden on the system, it should be noted that, notwithstanding the nearly 3.5 million inspections conducted from January 1, 2013, through December 31, 2013, there were fewer than 40,000 RDRs submitted through DataQs for this period.

Based on an annual estimate of 3.5 million inspections, only 1.1 percent of inspections resulted in an RDR. The Agency has confidence that the courts will strive to objectively evaluate the charged violations and that dismissals of citations for administrative or other reasons will not have a significant impact on the reliability of safety data. Additionally, the Agency will continue to provide outreach to courts and prosecutors to explain the serious impacts of cases involving CMVs and commercial drivers and to improve their

knowledge and understanding of CMV violations and their potential consequences.

As part of its data quality program, FMCSA will be monitoring the incoming data on adjudicated citations to look for patterns that might indicate routine masking of violations by State officials and take appropriate action to address these situations.

D. Prospective Implementation

The December 2, 2013, notice specifically asked for comment on the Agency's plan to implement these changes prospectively. Only six commenters addressed the issue. Three representatives of industry associations recommended that the Agency apply the policy retroactively, starting from the implementation of the Compliance, Safety, Accountability program in 2010. Two members of the law enforcement community supported the prospective-only application of the policy. Stephen Keppler of the Commercial Vehicle Safety Alliance noted that applying the policy retroactively would have significant adverse impacts, including decreased data uniformity and consistency, and an increase in States' workloads that could deplete their resources. Mr. Keppler also stated that prospective implementation of this policy ''allows for improved planning, resource allocation and management for both the States and FMCSA.''

The Kentucky State Police indicated that they would expect the number of RDRs submitted to increase significantly, especially due to dismissals. The Pennsylvania State Police noted that there would be significant workload impact on the minor judiciary. The Agency therefore continued to consider workload in deciding not to implement this change retroactively.

FMCSA continues to believe that prospective application will mitigate the potential for significantly increased numbers of RDRs, based on hundreds—potentially thousands—of past adjudicated citations, which could quickly exhaust States' DataQs capability. Such a drain on State DataQs staff could prevent States from promptly acting on other RDR requests and/or could create a need to redirect scarce State resources, adversely affecting motor carrier safety enforcement. As previously stated, FMCSA believes that prospective application will (1) provide a uniform and orderly process for the States to incorporate this policy into their State MCSAP plans and budgets (see 49 CFR 350.213); (2) provide an effective process that the Agency can test to ensure system effectiveness and data quality; and (3) reduce the cost of applying and implementing these changes across the Agency and the States.

Based on the comments and the workload and safety impacts noted above, the Agency has determined that it will implement the policy and changes prospectively. The policy announced in this document applies to inspections occurring on or after August 23, 2014. Accordingly, DataQs will be modified to accept RDRs related to adjudicated citations in August 2014.

E. Uniformity and Masking

Commenters expressed concern that this proposal effectively moves the decision making on roadside inspection data from the State DataQs officials to the courts, where the decisions will not be any more consistent, based on the courts' and judges' varying knowledge of CMVs, CDLs, and motor carrier safety regulations.

The IFDA expressed concern that, ''. . . this continued broad delegation of authority to the states directly contradicts a primary rationale for the announced changes which is to ''improve uniformity across the states. Given this obvious inconsistency, we question how much actual difference the announced changes are likely to make.''

As previously noted, FMCSA will continue and increase its outreach efforts to courts and prosecutors to remind them of the prohibition in 49 CFR 384.226 on masking convictions, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a CLP or CDL holder's conviction for a violation, in any type of motor vehicle, of a State or local traffic law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driving record.

F. Adequate Documentation

Commenters requested more information on the Agency's definition of adequate documentation needed to demonstrate dismissal or other adjudication outcome. ATA recommended that the Agency ''clearly define 'adequate documentation' for the purposes of this notice.'' ATA further indicated that ''FMCSA must instruct States which documents are acceptable and provide motor carriers and drivers with recourse to amend their records should a State refuse to accept proof of adjudication.''

FMCSA will accept scanned copies of certified documentation from the appropriate court or administrative tribunal. Examples include but are not limited to certified records of the docket entry, the order of dismissal, or entry of a ''not guilty'' determination. FMCSA recognizes that the varying nature and types of tribunals may result in varying types of official documentation that contain the adjudication results, and thus the Agency has not specifically limited the type of document that must be submitted. The submitter should obtain certified documents that are clearly identified and verifiable. These documents must be uploaded into the DataQs system for verification by a State official. Alternatively, the documentation may include a Web site link to an official court Web site with adjudication results.

G. SMS Weighting

AAJ and ATA questioned which SMS severity weights would be used if a conviction was for a different charge than the initial cited violation. FMCSA clarifies that where the adjudication results in a conviction to a different charge, the severity weight will be reduced to a 1 in SMS. The chart in Section V.D. of this document provides more detail on the impact of changes in SMS and PSP.

VI. Overview of Changes

A. Terms Used in the Document

For purposes of this document, the following terms have the meaning indicated.

Adequate Documentation: For the purpose of processing an RDR seeking to document the result of an adjudicated citation, FMCSA finds that scanned copies of certified documentation from the appropriate court or administrative tribunal or providing a direct web link to the adjudication results of an official court or agency Web site presents adequate and verifiable documentation of the adjudication result.

Adjudicated Citation: Refers to a citation that has been contested and resolved through a due process proceeding in a State, local, or administrative tribunal, regardless of how the action is resolved, whether by a judge or prosecutor or as part of a plea agreement or otherwise.

Citation: Refers to a notice, issued by a law enforcement officer to a CMV driver for a violation of law or an adopted FMCSR or HMR. The driver may contest the citation through a State-provided administrative or judicial system.

Conviction: This term is defined in 49 CFR 383.5 and 390.5 as an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of

original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

Court Costs: FMCSA interprets ''court costs'' as fees imposed by a court or administrative tribunal that are intended to cover the State's expenses of handling the case. Payment of an incidental expense uniformly imposed on all persons that appear before a particular court or tribunal regardless of case outcome should not be considered a court cost under FMCSA's regulatory definition of ''Conviction.'' Examples of excluded, non-punitive court costs include but are not limited to scheduling fees, the cost of a certified copy of the court's docket or order, or attorney fees.

Fine: A sum of money imposed as a penalty for an offense. A court cost may be considered a fine when the amount charged exceeds the amount generally imposed for court costs and is akin to a penalty.

Unvacated: Refers to an order or judgment that has not been canceled or rescinded.

B. New Data Field for Adjudicated Citations Results

Previously, SafetyNet and MCMIS recorded inspection and violation data from the initial inspection report only and did not contain a data field that would allow the State to append the result of an adjudicated citation to the appropriate violation on the inspection report. With these changes, SafetyNet and MCMIS will be modified to provide a field that may be populated with the adjudication result of a citation associated with the related inspection report. The adjudication result will impact the use of the related violations in SMS and PSP, as indicated in the chart below in Section V.D.

C. Revised DataQs Guidance to the States

FMCSA will issue revised direction to the States on receiving, reviewing, and documenting adjudication results when an RDR containing adequate documentation is submitted. Upon confirming the adequacy and accuracy of the documentation, States will enter the adjudication result in the field appending the inspection record in SafetyNet. State and Federal data systems will be modified to accept data concerning a citation associated with a violation that was dismissed or resulted in a finding of not guilty or resulted in a conviction of a different or lesser charge.

D. Impact of Changes in SMS and PSP

The following table indicates how the adjudication outcomes documented in MCMIS will impact the use of the cited violation in FMCSA's SMS and PSP databases:

Result of adjudicated citation associated with a violation uploaded to MCMIS	Violation in SMS	Violation in PSP
Dismissed with fine or punitive court costs	Violation not removed	Violation not removed.
Dismissed without fine or punitive court costs	Remove violation	Remove Violation.
Not Guilty	Remove violation	Remove Violation.
Convicted of a lesser charge	Append inspection to indicate violation ''Resulted in conviction of a different charge.'' Change severity weight to 1.	Append inspection to indicate violation ''Resulted in conviction of a different charge.''

As required by FMCSA's MCSAP regulations (49 CFR part 350), States must follow the Agency's regulatory definition of ''conviction'' in 49 CFR 383.5 and 390.5 and address RDRs accordingly. Thus, when an RDR indicates that a court dismissed a citation while still imposing a fine or punitive court cost, the outcome will be recorded in MCMIS as a conviction.

E. Prohibition on Masking Convictions

FMCSA regulation at 49 CFR 384.226 prohibits States from masking convictions, deferring imposition of judgment, or allowing an individual to enter into a diversion program that would prevent a CLP or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driving record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State. The Agency views the practice of courts dismissing citations after a guilty plea has been entered or following payment of a fine or mandatory contribution to a State or local program as a condition of dismissal, as ''masking'' of a commercial driver's violation of State or local traffic control laws. Masking convictions allows commercial drivers to accumulate multiple serious traffic safety violations without the driver's State of licensure or other States being aware of the driver's actual driving history, and it is for this safety reason that such practices are prohibited.

The changes to State and FMCSA data systems outlined in this document will enable both the Agency and the State licensing agencies to better track and document patterns and practices that are inconsistent with 49 CFR 384.226 concerning the masking prohibition. States found to have used masking or other diversionary programs may be found in substantial noncompliance and could risk decertification of their CDL programs, which could impact grant funding.

VII. Implementation Plan

A. Policy

FMCSA's State Programs Division will issue direction to the MCSAP agencies explaining the expectations and responsibilities related to the adjudicated citation process. This policy will apply to inspections occurring on or after August 23, 2014, and will be included in the next version of the DataQs manual.

B. Training

FMCSA will conduct training for DataQs analysts through DataQs email blasts, training bulletins and webinars. The webinars and other training will be provided to DataQs analysts before the policy is implemented to improve the consistency of implementation. The Agency will also be providing training to its own staff. In addition, information will be available on the Agency's Web site and on the DataQs Web site.

Issued on: May 30, 2014.

Anne S. Ferro,

Administrator.

[FR Doc. 2014–13022 Filed 6–2–14; 11:15 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02]

RIN 0648–XD307

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2014 Limited Commercial and Recreational Fishing Seasons for Red Snapper in the Southern Atlantic States

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

ACTION: Temporary rule; limited fishing seasons.

SUMMARY: NMFS has determined that limited commercial and recreational fishing seasons can occur in 2014. Therefore, NMFS announces the commercial and recreational annual catch limits (ACLs) for red snapper in the South Atlantic exclusive economic zone (EEZ) for the 2014 fishing year, the opening and closing dates of the 2014 recreational fishing season, and the opening date of the 2014 commercial fishing season through this temporary rule. The 2014 commercial ACL is 50,994 lb (23,130 kg), gutted weight, and the 2014 recreational ACL is 22,576 fish. Based on NMFS projections, the recreational fishing season in 2014 will be open for three consecutive weekends, starting July 11, 2014, and consist of 3 days the first two weekends (Friday, Saturday, Sunday) and 2 days the third weekend (Friday and Saturday). The commercial fishing season in 2014 will open on July 14, 2014, and NMFS will monitor commercial harvest in-season and close the commercial sector when the commercial ACL is reached or projected to be reached by filing an in-season closure notification with the Office of the Federal Register. This temporary rule is necessary to announce the limited fishing seasons for South Atlantic red snapper to provide socio-economic benefits to snapper-grouper fishermen and communities that utilize the red snapper resource while at the same time allowing red snapper to rebuild to sustainable levels.

DATES: The 2014 recreational fishing season will open at 12:01 a.m. on July 11, 2014, and close at 12:01 a.m. on July 14, 2014; open at 12:01 a.m. on July 18, 2014, and close at 12:01 a.m. on July 21, 2014; and open at 12:01 a.m. on July 25, 2014, and close at 12:01 a.m. on July 27, 2014. The 2014 commercial fishing season will open at 12:01 a.m. on July 14, 2014, and remain open until NMFS publishes an in-season closure notification in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes red snapper, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the Council and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On July 24, 2013, NMFS published a final rule to implement Amendment 28 to the FMP (78 FR 44461). In part, the final rule for Amendment 28 to the FMP established a process for setting commercial and recreational ACLs and determining whether limited commercial and recreational fishing seasons for red snapper in or from the South Atlantic EEZ can occur during a given fishing year. That final rule also implemented accountability measures (AMs) for South Atlantic red snapper, if limited fishing seasons are allowed in a fishing year, including setting a season length for the recreational sector and implementing an in-season closure when the commercial ACL is reached or projected to be reached. The final rule for Amendment 28 to the FMP also implemented a 75-lb (34-kg) commercial trip limit during the limited commercial fishing season and a 1-fish per person recreational bag limit during the limited recreational fishing season.

Red Snapper Harvest in 2014

NMFS used the formulas established in Amendment 28 to the FMP to determine if harvest of red snapper could occur in 2014. In accordance with 50 CFR 622.193(y), the total removals (landings plus dead discards) for 2013 were compared to the 2013 ABC to determine if the ABC was exceeded and thus whether the ACL for 2014 could be set greater than zero. In 2013, total removals equaled 72,881 fish. Because the 2013 total removals for red snapper are less than the 2013 ABC of 96,000 fish, NMFS has determined that the ACL for 2014 can be set greater than zero and that limited commercial and recreational fishing seasons may be established in 2014.

NMFS has determined that the 2014 total ACL for red snapper in the South Atlantic EEZ is 31,386 fish. Based on the current allocation ratio for red snapper (28.07 percent commercial and 71.93 percent recreational), the 2014 commercial ACL is 50,994 lb (23,130 kg), gutted weight, and the 2014 recreational ACL is 22,576 fish. For details regarding the calculation of the commercial and recreational ACLs and the recreational season length, please see SERO–LAPP–2014–06 ''2014 South Atlantic Red Snapper Annual Catch Limits and Recreational Season Length Projection'', which can be found at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/documents/pdfs/sa_rs_acl_season_projections.pdf.*

NMFS has determined the length of the recreational fishing season for 2014. The recreational fishing season will be open for three weekends consisting of 3 days the first two weekends (Friday, Saturday, Sunday) and 2 days the third weekend (Friday and Saturday). The recreational fishing season for red snapper in the South Atlantic EEZ will open at 12:01 a.m. on July 11, 2014, and close at 12:01 a.m. on July 14, 2014; open at 12:01 a.m. on July 18, 2014, and close at 12:01 a.m. on July 21, 2014; and open at 12:01 a.m. on July 25, 2014, and close at 12:01 a.m. on July 27, 2014. After the recreational sector closes, both harvest and possession of red snapper under the bag limit are prohibited.

NMFS has determined that the 2014 commercial fishing season for red snapper in the South Atlantic EEZ will open at 12:01 a.m. on July 14, 2014, and NMFS will monitor commercial harvest in-season and close the commercial sector when the commercial ACL is reached or projected to be reached by filing an in-season closure notification with the Office of the Federal Register. After the commercial sector closes, both sale and purchase of red snapper in or from the South Atlantic EEZ are prohibited. When the recreational and commercial sectors are closed, all harvest and all possession of red snapper in the South Atlantic EEZ will be prohibited.

In accordance with 50 CFR 622.183(b)(5), if the Regional Administrator, Southeast Region, NMFS, (RA) determines tropical storm or hurricane conditions exist, or are projected to exist, in the South Atlantic, during the 2014 commercial or recreational fishing season, the RA may

modify the opening and closing dates of the fishing season by filing a notification to that effect with the Office of the Federal Register, and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper commercial or recreational fishing season.

Classification

The RA has determined this temporary rule is necessary for the conservation and management of the South Atlantic red snapper component of the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.193(y) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the AMs established by Amendment 28 to the FMP (78 FR 44461, July 24, 2013) and located at 50 CFR 622.193(y) have already been subject to notice and comment and authorize the AA to file a notification with the Office of the Federal Register to use the established process for determining whether limited commercial and recreational fishing seasons for red snapper in the South Atlantic EEZ can occur during a given fishing year and to set commercial and recreational ACLs for red snapper during limited fishing seasons. All that remains is to notify the public of the length of the recreational fishing season, the commercial fishing season start date, and the commercial and recreational ACLs for red snapper for the 2014 fishing year. Additionally, there is a need to immediately notify the public of the fishing seasons for red snapper for the 2014 fishing year, to allow time for commercial and recreational businesses to plan their seasons. For example, charter vessel and headboat operations book trips for clients in advance and, therefore need as much time as possible to adjust business plans to account for the recreational fishing season. The commercial sector also needs to be able to plan and purchase supplies for the commercial fishing season.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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. 2014–13014 Filed 6–2–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 0907271173–0629–03]

RIN 0648–XD199

Snapper-Grouper Fishery of the South Atlantic; 2014 Recreational Accountability Measure and Closure for South Atlantic Snowy Grouper

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the recreational sector for snowy grouper in the South Atlantic for the 2014 fishing year through this temporary rule. Average recreational landings from 2011–2013 exceeded the recreational annual catch limit (ACL) for snowy grouper. To account for this overage, this rule reduces the length of the 2014 recreational fishing season. Therefore, NMFS closes the recreational sector for snowy grouper on June 7, 2014. This closure is necessary to protect the snowy grouper resource.

DATES: This rule is effective 12:01 a.m., local time, June 7, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes snowy grouper, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In 2013, NMFS published a temporary rule (78 FR 30779, May 23, 2013) to implement the post-season AM to reduce the 2013 fishing season for the recreational snowy grouper component of the snapper-grouper fishery. As a result, the recreational sector for snowy grouper was closed May 31, 2013, until January 1, 2014.

The recreational ACL for snowy grouper is 523 fish. In accordance with regulations at 50 CFR 622.193(b)(2), if the recreational ACL is exceeded, the Assistant Administrator, NMFS (AA) will file a notification with the Office of the Federal Register to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the recreational ACL in the following fishing year. The most recent 3-year running average of recreational landings is compared to the recreational ACL for snowy grouper, and for the 2014 fishing year, the average of 2011–2013 recreational landings is compared to the recreational ACL. Average landings from 2011–2013 exceeded the 2013 ACL by 999 fish on average. Therefore, this temporary rule implements the post-season AM to reduce the fishing season for the recreational snowy grouper component of the snapper-grouper fishery in 2014. As a result, the recreational sector for snowy grouper will be closed effective 12:01 a.m., local time June 7, 2014.

During the closure, the bag and possession limit for snowy grouper in or from the South Atlantic exclusive economic zone is zero. The recreational sector for snowy grouper will reopen on January 1, 2015, the beginning of the 2015 recreational fishing season.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of the South Atlantic snowy grouper component of the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.193(b)(2) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the AMs established by Amendment 17B to the FMP (75 FR 82280, December 30, 2010) and located

at 50 CFR 622.193(b)(2) have already been subject to notice and comment and authorize the AA to file a notification with the Office of the Federal Register to reduce the duration of the recreational fishing season the following fishing year if an ACL overage occurs. All that remains is to notify the public of the reduced recreational fishing season for snowy grouper for the 2014 fishing year. Additionally, there is a need to immediately notify the public of the reduced recreational fishing season for snowy grouper for the 2014 fishing year, to prevent snowy grouper recreational harvest from further exceeding the ACL, which will help protect the South Atlantic snowy grouper resource. Also, providing prior notice and opportunity for public comment on this action would be contrary to the public interest because many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operations, book trips for clients in advance and, therefore need as much time as possible to adjust business plans to account for the reduced recreational fishing season.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: June 2, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13069 Filed 6–2–14; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120403249–2492–02]

RIN 0648–XD200

Snapper-Grouper Fishery of the South Atlantic; 2014 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for the recreational sector for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic for the 2014 fishing year through this temporary rule. Recreational landings from 2013, as estimated by the Science and Research Director (SRD), exceeded the recreational annual catch limit (ACL) for golden tilefish. Furthermore, information from 2014 recreational landings indicates that landings are projected to reach the recreational ACL on June 7, 2014. To account for the 2013 ACL overage and to prevent an ACL overage in 2014, NMFS closes the recreational sector for golden tilefish in the South Atlantic EEZ on June 7, 2014. This closure is necessary to protect the golden tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, June 7, 2014, until 12:01 a.m., local time, January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, telephone: 727–824–5305, email: *Catherine.Hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic, which includes golden tilefish, is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In 2013, NMFS published a temporary rule (78 FR 32995, June 3, 2013) to implement the post-season AM to reduce the 2013 fishing season for the recreational golden tilefish component of the snapper-grouper fishery. As a result, the recreational sector for golden tilefish was closed June 3, 2013, until January 1, 2014.

The recreational ACL for golden tilefish is 3,019 fish. In accordance with regulations at 50 CFR 622.193(a)(2), if recreational landings reach or are projected to reach the recreational ACL, the Assistant Administrator, NMFS (AA) will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. If the recreational ACL is exceeded, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the following fishing season by the amount necessary to ensure landings do not exceed the recreational ACL in the following fishing year. Finalized landings data from the NMFS Southeast Fisheries Science Center indicate that the golden tilefish recreational ACL was exceeded by 1,255 fish in 2013. To account for the 2013 ACL overage and to prevent an ACL overage in 2014, the recreational sector for golden tilefish in the South Atlantic EEZ will be closed on June 7, 2014. Therefore, this temporary rule implements an AM to close the recreational golden tilefish component of the snapper-grouper fishery for the remainder of the 2014 fishing year. As a result, the recreational sector for golden tilefish in the South Atlantic EEZ will be closed effective 12:01 a.m., local time June 7, 2014.

During the closure, the bag and possession limit for golden tilefish in or from the South Atlantic EEZ is zero. The recreational sector for golden tilefish will reopen on January 1, 2015, the beginning of the 2015 recreational fishing season.

Classification

The Regional Administrator, Southeast Region, NMFS, (RA) has determined this temporary rule is necessary for the conservation and management of the South Atlantic golden tilefish component of the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(a)(2) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because the AMs established by Regulatory Amendment 12 to the FMP (77 FR 61295, October 9, 2012) and located at 50 CFR 622.193(a)(2) have already been subject to notice and comment and authorize the AA to file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year if recreational landings reach or are projected to reach the recreational ACL. All that remains is to notify the public of the recreational closure for golden tilefish for the remainder of the 2014 fishing year. Additionally, there is a need to immediately notify the public of the reduced recreational fishing season for golden tilefish for the 2014 fishing year to prevent further golden tilefish recreational harvest and prevent the ACL from being exceeded, which will protect the South Atlantic golden

tilefish resource. Also, providing prior notice and opportunity for public comment on this action would be contrary to the public interest because many of those affected by the length of the recreational fishing season, particularly charter vessel and headboat operations, book trips for clients in advance and, therefore need as much time as possible to adjust business plans to account for the reduced recreational fishing season.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: June 2, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13070 Filed 6–2–14; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 79, No. 108

Thursday, June 5, 2014

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 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 proposed 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. 2014–13024 Filed 6–4–14; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–HQ–OAR–2011–0151; FRL–9910–71–OAR]

RIN 2060–AS27

Managing Emissions From Oil and Natural Gas Production in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The purpose of this Advance Notice of Proposed Rulemaking (ANPR) is to solicit broad feedback on the most effective and efficient means of implementing the Environmental Protection Agency's (EPA) Indian Country Minor New Source Review program for sources in the oil and natural gas production segment of the oil and natural gas sector. In particular, this ANPR discusses potential new source permitting approaches to address emissions from proposed new and modified oil and natural gas production activities. One approach is a general permit, which could serve as a streamlined permitting approach for addressing emissions from new and modified minor sources and minor modifications at major sources under the Indian Country Minor NSR rule. Another approach is a Federal Implementation Plan, which could address emissions from new and modified minor sources and minor modifications at major sources. Other possible approaches include a permit by rule, which is another streamlined permitting approach. The EPA is requesting comments on all available new source permitting approaches and will take this feedback into consideration in developing a notice of proposed rulemaking for this sector under the Indian Country Minor NSR program.

In addition, while the focus of this ANPR is on permitting approaches for proposed new oil and natural gas production activities, the EPA believes that managing emissions from existing oil and natural gas sources in Indian country would result in greater consistency with surrounding state requirements. Addressing existing sources may be particularly important given the significant activity associated with the sector in Indian country and the resultant need to protect public health, balanced with tribes' inherent sovereignty and interest in promoting economic development. If the EPA decides to address existing oil and natural gas production sources, then we will be interested in considering comments regarding whether a FIP should be the mechanism used to establish permitting requirements for new and existing sources, especially in areas where surrounding states regulate existing sources.

DATES: Comments must be received on or before July 21, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2011–0151, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2011–0151 in the subject line of the message.

Fax: (202) 566–9744, attention Docket ID No. EPA–HQ–OAR–2011–0151.

Mail: Attention Docket ID No. EPA–HQ–OAR–2011–0151, EPA, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies.

Hand Delivery: The EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2011–0151. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2011–0151. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I.C of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The EPA has established a docket for this action under Docket ID Number EPA–HQ–OAR–2011–0151. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available,

e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or under Docket ID Number EPA–HQ–OAR–2011–0151, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 Air Docket is (202) 564–1742.

FOR FURTHER INFORMATION CONTACT: Christopher Stoneman, Outreach and Information Division, Office of Air Quality Planning and Standards, (C304–01), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–0823, facsimile number (919) 541–0072, email address: *stoneman.chris@epa.gov.*

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

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed action include owners and operators of facilities located or planning to locate in Indian country as defined in 18 U.S.C. 1151 and as provided in the Indian Country Minor NSR rule if the facilities are from oil and natural gas source categories such as the following:

TABLE 1—EXAMPLE OIL AND NATURAL GAS PRODUCTION SOURCE CATEGORIES

Industry category	North American Industry Classification System
Crude Petroleum and Natural Gas (SIC 1311).	211111—Crude Petroleum and Natural Gas Extraction
Natural Gas Liquids (SIC 1321).	211112—Natural Gas Liquid Extraction
Drilling Oil and Gas Wells (SIC 1381).	213111—Drilling Oil and Gas Wells
Oil and Gas Field Services (SIC 1389).	213112—Support Activities for Oil and Gas Operations

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, contact the person listed in the preceding section.

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

1. Submitting CBI

Do not submit CBI information to the 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 the 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 Code of Federal Regulations (CFR) Part 2.

Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), Office of Air Quality Planning and Standards, EPA, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2011–0151.

2. Tips for preparing comments

When submitting comments, remember to:

- Identify the action by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this ANPR will also be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this notice will be posted in the regulations and standards section of our NSR home page located at *http://www.epa.gov/nsr* and on the tribal NSR page at *http://www.epa.gov/air/tribal/tribalnsr.html.*

II. Purpose of This Advance Notice of Proposed Rulemaking

The primary purpose of this ANPR is to solicit broad feedback on the most effective and efficient means of implementing the EPA's Indian Country Minor NSR program for proposed new and modified sources in the oil and natural gas production segment of the oil and natural gas sector in Indian country. The ANPR seeks input on approaches that may be used to manage emissions from oil and natural gas production in Indian country and solicits comment on a variety of issues, including: (1) Whether the approach should address emissions from new and modified units only or (as discussed below) existing source emissions as well; (2) the advantages and disadvantages of available approaches to manage emissions impacts from the oil and natural gas sector in Indian country; (3) the activities and pollutants that warrant regulation; (4) the coordination of compliance between any approach selected and the Indian Country Minor NSR program; and (5) appropriate emission control requirements. We are considering the following new source permitting approaches for managing oil and natural gas emissions from proposed new and modified sources in Indian country: (1) A CAA minor NSR general permit; (2) a FIP; and (3) other available approaches such as a permit by rule. The EPA seeks feedback on all aspects of available approaches and will take the comments into consideration in developing a notice of proposed rulemaking for this sector under the Indian country Minor NSR program.

In July 2011, the EPA finalized a rule that includes, among other things, a minor NSR permitting program that applies in Indian country and, beginning on September 2, 2014,[1] that requires new minor sources, and minor and major sources that undertake a minor modification to obtain a pre-construction permit. We call this

[1] EPA has proposed to extend this deadline with respect to true minor sources in the oil and natural gas sector. 79 FR 2546, Jan. 14, 2014.

regulation the ''Federal Minor New Source Review Program in Indian Country.'' 76 FR 38748, July 1, 2011. We call a permit issued under this program a minor NSR permit. Minor NSR permits address emissions from new and modified units at permitted sources.

In an effort to streamline minor source permitting under this program, the EPA plans to issue general permits for new true minor sources for certain source categories. A general permit is a type of permit that contains standardized requirements that can apply to one or more sources in a given source category. One of the categories for which the EPA is considering issuing a general permit is the oil and natural gas production segment of the oil and natural gas sector. Specifically, the oil and natural gas production segment includes natural gas production that occurs prior to the natural gas entering natural gas processing plants or prior to the natural gas entering the transmission and storage segment when there is no natural gas processing plant, and crude oil production operations that generally occur prior to the oil entering crude oil storage and transmission terminals where the oil is loaded for transport to refineries. The EPA believes that the creation and issuance of a general permit may be appropriate because it simplifies the permit issuance process for minor sources so that reviewing authorities and others (interested public, regulated source) can ensure environmental protection without expending resources unnecessarily by developing numerous site specific permits that include substantially similar permit requirements. The general permit approach was proposed recently for a number of source categories as part of the Indian Country Minor NSR program. 79 FR 2546, Jan. 14, 2014.

While we believe that a general permit is a possible streamlining mechanism for issuing permits to new and modified oil and natural gas production facilities, we are also exploring the possibility of alternate mechanisms to regulate emissions from this segment. One approach is a FIP, which could be used to establish regulatory requirements for emissions from new and modified minor sources and minor modifications at major sources within the oil and natural gas production segment. This ANPR is the first instance in which the EPA is raising the possibility of promulgating a FIP to implement its minor NSR program with respect to oil and natural gas production activities in Indian country. A FIP was promulgated in 2013 for oil and natural gas sources located in the Fort Berthold Indian Reservation (located in North Dakota, within the Williston Basin), and the approach has largely been viewed as successful in that instance. One difference between a FIP and a general permit is that a FIP would not require the submission of applications by sources and the review and approval of these applications by a reviewing authority prior to construction. Instead, the requirements would directly apply to sources subject to the regulation. A FIP could obviate the need for new or modified individual minor sources to obtain permits because the FIP could directly establish regulatory requirements like those established under a permit (or general permit) for those sources and would be federally enforceable.

Other new source permitting approaches may be available as well, including the possibility of a permit by rule approach for true minor oil and natural gas sources. The permit by rule approach would address emissions from new and modified units at the permitted source. A permit by rule is a standard set of requirements that can apply to multiple sources with similar emissions and other characteristics. It is very similar to a general permit. Unlike a general permit, however, permit by rule requirements are promulgated using a rulemaking process (i.e., the requirements are included in the Code of Federal Regulations), rather than establishing the requirements through a general permit document that undergoes notice and comment (i.e., the requirements are included in the general permit document). The permit by rule mechanism is simpler than a site-specific permit or a general permit because it further reduces the time permitting authorities must devote to reviewing permit applications and issuing permits for source categories or emissions generating activities that pose a lower environmental concern. Site-specific permit applications and permit applications under a general permit must be reviewed and approved by a reviewing authority prior to construction or modification. Under a permit by rule, a reviewing authority would receive notification from an individual source that it meets all eligibility criteria for coverage by the permit, but would not need to approve the source's notice prior to the source beginning to construct or modify. This approach simplifies the permitting process but would not allow the public the opportunity (as would be available under a site-specific or a general permit) to object, except by judicial challenge, to a particular source receiving coverage under the permit by rule. Further discussion of the proposed permit by rule approach is available in the recent action entitled ''General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country,'' 79 FR 2546 at 2566–67, Jan. 14, 2014.

While the focus of this ANPR is on permitting approaches for new oil and natural gas sources, the EPA believes that managing emissions from existing oil and natural gas sources also may be important given the significant activity associated with the sector in Indian country and the resultant need to protect public health and the environment, balanced with tribes' inherent sovereignty and interest in promoting economic development. Although NSR general permits and permits by rule are not approaches that can be used to address existing sources, a FIP could extend to existing sources; this is a key distinction between general permits and permits by rule versus a FIP. Addressing existing sources through a FIP could be especially useful in areas for which surrounding state requirements apply to existing oil and natural gas sources located on lands that are within a state's jurisdiction. Concerns related to the air quality impacts from existing oil and natural gas sources in Indian country are discussed further in Section IV. of this notice. Given these concerns, the EPA is requesting comments on whether a FIP, if that is determined to be an appropriate approach for new source permitting for oil and natural gas sources, should also be used to establish requirements for existing oil and natural gas sources. A FIP would effectively function as a permit by rule, however unlike the permit by rule and general permit approaches which are limited to addressing new and modified sources in the NSR context, a FIP could also address existing sources.

Although the Indian Country Minor NSR rule does not include greenhouse gases, actions taken to reduce volatile organic compound (VOC) emissions—whether through a general permit, a FIP, or other approaches—also likely will reduce methane as a co-benefit. Methane, the primary constituent of natural gas, is a potent greenhouse gas—more than 20 times as potent as carbon dioxide when emitted directly to the atmosphere. In 2012, 28 percent of methane emissions nationwide were attributed to sources in the oil and natural gas sector. On March 28, 2014, the Obama Administration released a key element called for in the President's Climate Action Plan: A Strategy to Reduce Methane Emissions. The

strategy summarizes the sources of methane emissions, commits to new steps to cut emissions of this potent greenhouse gas, and outlines the Administration's efforts to improve the measurement of these emissions. The strategy builds on progress to date and takes steps to further cut methane emissions from several sectors, including the oil and natural gas sector.

III. Background on the Oil and Natural Gas Sector

A. What is the oil and natural gas sector?

The oil and natural gas sector includes operations involved in the extraction and production of oil and natural gas, as well as the processing, transmission and distribution of natural gas. Specifically for oil, the sector includes all operations from the well to the point of custody transfer at a petroleum refinery. For natural gas, the sector includes all operations from the well to the final end user. The oil and natural gas sector can generally be separated into four segments: (1) Oil and natural gas production; (2) natural gas processing; (3) natural gas transmission and storage; and (4) natural gas distribution. Each of these segments is briefly discussed below.

This ANPR is focused on the first segment (oil and natural gas production), because this is the segment we believe would constitute the majority of the minor sources that would need a minor source permit in Indian Country. If, following the review of comments received via this ANPR, we decide that the general permit approach is preferable to a FIP, then we anticipate that the bulk of the oil and natural gas sources that we would permit would be from the production segment (generally, sources in other segments tend to be larger, potentially major sources such as gas processing plants). Because the FIP would be intended to replace the minor source program for oil and natural gas sources, we believe that it makes the most sense to focus on the production segment for both the general permit approach and the FIP approach. We welcome comment on this rationale.

The oil and natural gas production segment includes the wells and all related processes used in the extraction, production, recovery, lifting, stabilization, and separation or treatment of oil and/or natural gas (including condensate). Production components may include, but are not limited to, wells and related casing head, tubing head and ''Christmas tree'' piping, as well as pumps, compressors, heater treaters, separators, storage vessels, pneumatic devices and dehydrators. Production operations also include the well drilling, completion and workover processes and include all the portable non-self-propelled apparatus associated with those operations. Production sites include not only the sites where the wells themselves are located, but also include stand-alone ''pads'' where oil, condensate, produced water, and natural gas from several wells may be separated, stored, and treated. The production segment also includes the low to medium pressure, smaller diameter, gathering pipelines and related components that collect and transport the oil, natural gas and other materials and wastes from the wells or well pads.

The natural gas production segment ends where the natural gas enters a processing plant. In situations where there is no processing plant, the natural gas production segment ends at the point where the natural gas enters the transmission segment for long-line transport. The crude oil production segment ends at the storage and load-out terminal which is used for transport of the crude oil to a petroleum refinery via trucks or railcars. The petroleum refinery is not considered a part of the oil and natural gas sector. Thus, with respect to crude oil, the oil and natural gas sector ends where crude oil enters the petroleum refinery.

The second segment, natural gas processing, consists of separating certain hydrocarbons and fluids from the natural gas to produce ''pipeline quality'' dry natural gas. While some of the processing can be accomplished in the production segment, the complete processing of natural gas takes place in the natural gas processing segment. Natural gas processing operations separate and recover natural gas liquids (NGL) or other non-methane gases and liquids from a stream of produced natural gas through components performing one or more of the following processes: Oil and condensate separation, water removal, separation of NGL, sulfur and carbon dioxide removal, fractionation of natural gas liquid and other processes, such as the capture of carbon dioxide separated from natural gas streams for delivery outside the facility.

The pipeline quality natural gas leaves the natural gas processing segment and enters the third segment, natural gas transmission and storage. Pipelines in the natural gas transmission and storage segment can be interstate pipelines that carry natural gas across state boundaries or intrastate pipelines, which transport the natural gas within a single state. While interstate pipelines may be of a larger diameter and operated at a higher pressure, the basic components are the same. To ensure that the natural gas flowing through any pipeline remains pressurized, compression of the natural gas is required periodically along the pipeline. This is accomplished by compressor stations usually placed at between 40- and 100-mile intervals along the pipeline. At a compressor station, the natural gas enters the station, where it is compressed by reciprocating or centrifugal compressors. In addition to the pipelines and compressor stations, the natural gas transmission and storage segment includes underground storage facilities.

The fourth segment, natural gas distribution, is the final step in delivering natural gas to customers. The natural gas enters the distribution segment from delivery points located on interstate and intrastate transmission pipelines to business and household customers. The delivery point where the natural gas leaves the transmission and storage segment and enters the distribution segment is often called the ''city gate.'' Typically, natural gas supply companies take ownership of the natural gas at the city gate.

Natural gas distribution systems consist of thousands of miles of piping, including mains and service pipelines to the customers. Distribution systems sometimes include compressor stations, although they are considerably smaller than transmission compressor stations. Distribution systems include metering stations, which allow distribution companies to monitor the natural gas in the system. Essentially, these metering stations measure flow rates and allow distribution companies to track natural gas as it flows through the system.

Emissions can occur from a variety of processes and points throughout the oil and natural gas production segment. In Section III.B., we explain these processes and pollutant emissions points in more detail. In sum, emission sources include, but are not necessarily limited to, drilling and completion with the associated flowback activities; extraction operations; and road, pipeline and well pad construction. Also, significant emissions can be released from the operation of reciprocating internal combustion engines and combustion turbines that power compressors or provide electricity throughout the oil and natural gas production segment. Pollutants emitted from these activities that we regulate through the Indian Country Minor NSR permitting program

(regulated NSR pollutants) include VOC, NO_X, sulfur dioxide (SO_2), particulate matter (PM, PM_{10}, $PM_{2.5}$), hydrogen sulfide, carbon monoxide (CO) and various sulfur compounds. Hydrogen sulfide and SO_2 are emitted from production and processing operations that handle and treat sour gas.[2] In Section VII. we request comment on the pollutant-emitting activities and the pollutants that might warrant regulation through a general permit, FIP, or other approach.

B. What equipment is used for exploration and production and what emissions are associated with the use of this equipment?

1. Drill Rig Emissions

Air pollution from oil and natural gas drilling rigs originates from the combustion of diesel fuel in diesel engines used to drive electrical generators that power the drilling equipment. Diesel engines emit NO_X, SO_2, CO, and PM. The amount of emissions generated from an engine can vary greatly depending on factors such as the age of the engine, the drilling cycle, and the amount of energy required to penetrate a rock formation while drilling. The engine may be run through different activity modes including standby, drilling, tripping, back reaming, casing running, and cementing. The drilling and back reaming modes are the most power intensive operational modes.[3]

2. Natural gas Wellhead and Field Gathering Compressor Engines

In production operations, compressors assist in increasing the pressure and moving the natural gas from the well site downstream to a gathering facility and beyond for further processing. Two types of compressor designs are commonly used: Reciprocating and centrifugal.

In a reciprocating compressor, natural gas enters a suction manifold, and then flows into a compression cylinder. The natural gas is compressed in the cylinder by a crankshaft that runs a reciprocal motion piston and is powered by an internal combustion engine. Reciprocating compressors are designed with a rod packing seal system. The compressor rod packing system consists of a series of flexible rings that create a seal around the piston rod to prevent natural gas from escaping between the rod and the inboard cylinder head. All such packing systems vent natural gas under normal conditions, but the leakage rate will increase over time as the rings become worn. When this occurs, the packing system will need to be replaced to prevent excessive leaking from the compression cylinder.

Centrifugal compressors use a rotating disk or impeller to increase the velocity of the natural gas which is directed to a divergent duct section that converts the velocity energy to pressure energy. Centrifugal compressors require seals around the rotating shaft to prevent gases from escaping where the shaft exits the compressor casing. Although dry seals are used in most new centrifugal compressors, some compressors use high-pressure wet seals (comprised of oil) as a barrier against escaping natural gas. The circulated oil entrains and absorbs some compressed natural gas. VOC emissions occur when the oil is stripped of natural gas that it absorbed at the high-pressure seal face. This process is known as degassing and is a normal function of the seal oil recirculation process.

3. Liquids Unloading

As a well ages, the reservoir's pressure declines and the velocity of fluid through the tubing that conveys the natural gas to the surface also decreases. As velocity decreases, liquids can accumulate on the walls of the tubing. Eventually, the natural gas velocity in the tubing may not be sufficient to lift liquids to the surface. When liquids accumulate in the bottom of the well tube, natural gas flow is restricted or stops.

A common approach operators use to restore the flow of the well is to perform a ''blowdown.'' To perform a blowdown, the operator shuts in the well temporarily to allow the bottom hole pressure to increase as natural gas migrates from the formation to the well. When the pressure has increased sufficiently, the operator releases the pressure in the well rapidly by venting it to the atmosphere until it reaches atmospheric pressure. The pressure drop blows the liquid out of the well. Releases of VOC occur as the well is vented to the atmosphere. This process does not provide a permanent solution, and operators will likely need to repeat the process over various intervals of time as fluids re-accumulate in the well tubing. These intervals vary from well to well and generally decrease as the well continues to age and requires more frequent unloading. Each time, the process releases additional VOC to the air.

4. Glycol Dehydration

Natural gas is often produced with a mixture of water and other hydrocarbons. A glycol dehydrator is used to remove the water vapor from the natural gas stream. In the first stage, the natural gas mixture is passed through an absorber where water vapor is absorbed. Most dehydration units use triethylene glycol as the absorbent. Following the preliminary dehydration stage, the glycol mixture either first moves to a flash tank where some gases are removed by reducing the pressure, or moves directly to a regenerator, where the triethylene glycol is heated to remove absorbed water from the glycol fluid. During this process, VOC, carbon dioxide, nitrogen, and hydrogen sulfide are boiled off and vented to the atmosphere along with the water vapor being removed.[4]

5. Oil, Condensate, and Produced Water Storage Tanks

Storage tanks or vessels are used at well production sites to store crude oil, produced water, and condensate (hydrocarbon liquids) extracted from the well. Storage tanks are typically installed as a group of similar or identical vessels known as a tank battery.

VOC emissions are released from a storage tank due to flashing losses, working losses, or breathing losses. Flashing losses occur when liquids from a higher pressure wellhead or separator are introduced into a lower pressure storage tank, usually operating at atmospheric pressure. In this situation, the pressure of the liquid drops, causing the entrained gas or some of the liquid to vaporize (flash). If the gas is not captured, it is released to the air. Typically, the larger the pressure drop (i.e. the higher the separator pressure compared to the storage tank pressure), the more flash emissions will occur in the storage tank. The temperature of the liquid may also influence the amount of flash emissions. Working losses occur when vapors in the headspace of a fixed roof tank are displaced to the air when the operator fills or empties the tank.

[2] Sour gas is natural gas with more than 5.7 milligrams of hydrogen sulfide per normal cubic meters (0.25 grains/100 standard cubic feet), see AP–42 Compilation of Air Pollutant Emission Factors, Chapter 5.0 Introduction to Petroleum Industry, Section 5.3 Natural Gas Processing, available at *http://www.epa.gov/ttnchie1/ap42/ch05/final/c05s03.pdf.*

[3] E. Quinlan, R. van Kuilenberg, T. Williams, and G. Thonhauser, ''The Impact of Rig Design and Drilling Methods on the Environmental Impact of Drilling Operations,'' Conference of American Assn. of Drilling Engineers, April 12–14, 2011, available at *www.aade.org/app/download/6858447204/AADE-11-NTCE-61.pdf.*

[4] See, e.g., Anadarko Petroleum Corp. and the Domestic Petroleum Council, ''Natural Gas Dehydration: Lessons Learned from the Natural Gas STAR Program,'' Producers Technology Transfer Workshop, College Station, TX, May 17, 2007, available at *http://epa.gov/gasstar/documents/workshops/college-station-2007/8-dehydrations.pdf.*

Breathing losses occur due to normal evaporation of liquid in the tank in response to temperature changes or other equilibrium effects. In the oil and natural gas production sector, flash emissions are much greater than the working and breathing losses.

The volume of emissions from a storage tank depends on many factors. Lighter crude oils flash more hydrocarbons than heavier crude oils. In storage tanks where the oil is frequently cycled and the overall throughput is high, working losses are higher. Additionally, the operating temperature and pressure of oil as it moves from a separator to a storage tank affects the volume of flashed gases coming out of the oil. VOCs are the predominant emissions from storage tanks.

6. Truck Loadout

Oil and natural gas condensate are transported from production operations to natural gas processing plants and/or crude oil transport terminals. VOC emissions from the storage tanks occur during the load out (withdrawal) process. Loading losses occur as hydrocarbon vapors in ''empty'' cargo tanks are displaced to the atmosphere by the liquid being loaded into the tanks. These vapors are a composite of (1) vapors formed in the empty tank by evaporation of residual product from previous loads, (2) vapors transferred to the tank in vapor balance systems as product is being unloaded, and (3) vapors generated in the tank as the new product is being loaded.

7. Pneumatic Devices

The oil and natural gas production segment uses a variety of process control devices to moderate temperature, pressure, flow rate, and fluid volume. These devices operate pneumatically, electrically, or mechanically. Electrical and mechanical devices do not generate emissions. Most devices in the industry are pneumatic controllers.

Pneumatic controllers are automated instruments that use differences in the pneumatic pressure of a gas to transmit a process signal or adjust position. In the vast majority of applications, the oil and natural gas production segment uses pneumatic controllers that make use of readily available high-pressure natural gas to provide the required energy and control signals.

Pneumatic devices can release a significant amount of VOC emissions during normal operations. In these ''gas-driven'' pneumatic controllers, natural gas may be released with every valve movement, and/or continuously from the valve control pilot. The rate at which the continuous release occurs is referred to as the bleed rate. Bleed rates are dependent on the design and operating characteristics of the device. Similar designs will have similar steady-state rates when operated under similar conditions. There are three basic designs with emissions varying from each: (1) Continuous bleed devices are used to modulate flow, liquid level, or pressure, and gas is vented continuously at a rate that may vary over time; (2) snap-acting devices release gas only when they open or close a valve or as they throttle the gas flow; and (3) self-contained devices release gas to a downstream pipeline instead of to the atmosphere.[5]

Continuous bleed pneumatic controllers can be classified into two types based on their emissions rates: (1) High-bleed controllers; and (2) low-bleed controllers. A high-bleed controller has a bleed rate in excess of 6 standard cubic feet per hour (scfh), while low-bleed devices bleed at a rate less than or equal to 6 scfh.[6]

8. Phase Separation

Underground crude oil and natural gas can contain many lighter hydrocarbons in solution. When the hydrocarbon product is brought to the surface and processed, many of the dissolved lighter hydrocarbons (as well as water) are removed through a series of high-pressure and low-pressure separators. Crude oil and natural gas under high pressure conditions are passed through either a two phase separator (where the associated gas is removed and any oil and water remain together) or a three phase separator (where the associated gas is removed and the oil and water are also separated). At the separator, low pressure gas is physically separated from the high pressure oil. The remaining low pressure oil is then injected into a gathering pipeline or directed to a storage vessel where it is stored for a period of time before being shipped off-site. The remaining hydrocarbons in the oil may be released from the oil as vapors in the storage vessels.

A heater-treater is a device used to break up emulsions and facilitate removal of unwanted hydrocarbons, contaminants and water from the well stream before oil and natural gas are sent to the gathering pipeline or tank battery. A heater-treater warms the well stream and prevents the formation of ice and natural gas hydrates that may slow or stop production.

During phase separation, a blend of hydrocarbon gases, including methane gas, may be produced as a by-product. The optimal way to manage by-product gas is for the operator to capture the gas, process it into a commercially sellable product, and then direct it to a pipeline where it can be distributed for sale. When the sale of the by-product gas is not viable, then an operator will (1) vent the gas emissions directly to the atmosphere; (2) re-inject the gas back into the reservoir; or (3) combust the gas to destroy it. Combustion devices predominantly used to control VOC emissions from low pressure gas streams in oil and natural gas production operations are ''enclosed combustors.'' ''Candlestick flares'' are typically used to control higher pressure waste gas streams.

9. Leaks

As produced natural gas moves through equipment and pipes under elevated pressure within an oil or natural gas production facility, leaks can occur at various locations. Fluctuations in pressure, temperature and mechanical stresses increase the number of opportunities for leaks from various components. Sources of fugitive leaks include pumps, threaded and flanged connections, pressure relief valves, open-ended lines such as vents and drains, blowdown lines, and sampling points. Leaks can also occur due to malfunctions and pipeline ruptures. VOC is the main criteria pollutant released during equipment leaks.

10. Compressor Engines

Reciprocating internal combustion engines are typically used to run reciprocating compressors, whereas combustion turbines generally power centrifugal compressors. In some instances, an electric motor is used. The size and horsepower of engines used at a well site vary extensively based on the size of the field and characteristics of the natural gas. The compressor engines typically run at full capacity for 24 hours, 7 days a week, and can emit CO, NO_X, SO_2, PM and VOCs. Electric motors are not a direct source of emissions, but other motors are.

11. External Combustion Units

External combustion units are used to generate industrial power and produce industrial process steam and heat.

[5] EC/R, Inc., prepared for U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, ''Background Technical Support Document for Proposed Standards—Oil and Natural Gas Sector: Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution,'' July 2011, EPA–453/R–11–002 at 5–2, available at *http://www.epa.gov/airquality/oilandgas/pdfs/20110728tsd.pdf.*

[6] *Id.*

Examples of external combustion units in the oil and natural gas production segment include storage tank heaters, line heaters, and glycol reboilers. These units are typically fueled by natural gas from the field, but they can use other gaseous and oil-based fuels, such as propane and fuel oil #2. Primary combustion emissions are CO and NO_X, and the size and power of such units varies widely based on the size of the field and the characteristics of the oil and/or natural gas being produced. Electric heaters are sometimes used when they are solar powered or when there is access to a power grid, but they are not a direct source of emissions.

IV. Oil and Natural Gas Sector in Indian Country

A. Why are we concerned about air quality impacts from oil and natural gas production in Indian country?

In the past few years, technological advances in oil and natural gas extraction methods have made extraction of oil and/or natural gas from shale, coal-bed methane and tight sandstone resources more technologically and economically feasible than before. While conventional oil and natural gas extraction is ongoing in some areas of Indian country, there has been a sizeable increase in recent years in production volume in these areas from unconventional oil and natural gas extraction methods.[7] Many areas of Indian country are located in shale basins with potentially recoverable reserves including, but not limited to, areas in North Dakota, Montana, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New York, Michigan and Wisconsin. Areas of Indian country in western North Dakota, eastern Montana, Oklahoma and Texas lie within tight sandstone basins with recoverable resources, and coal bed methane reserves may exist under Indian country located in the Northeastern and Southwestern United States.

Indian country comprises much of the Uinta and North San Juan Basins (in Utah and the Four Corners region, respectively). According to a Western Regional Air Partnership (WRAP) emissions inventory report focusing on a region spanning New Mexico, Colorado, Utah, Wyoming, Montana, and North Dakota, oil and natural gas production sources contribute the majority of the emissions of NO_X and a large portion of the VOC emissions in both the Uinta Basin and Northern San Juan Basin.[8] [9] A significant number of oil and natural gas production sources also exist in the South San Juan, Wind River, and Williston Basins, all of which encompass areas of Indian country. Although the WRAP report included limited areas of Indian country within the United States, we believe that the level of activity in these areas could represent the kind of emissions we can expect in Indian country in other areas across the United States. Furthermore, as discussed in Section IV.B, Indian country lands that contain commercially viable oil and natural gas reserves are currently experiencing widespread growth in the oil and natural gas production segment, which could lead to increased emissions of air pollutants and adverse air quality.

For example, during the development of the FIP for oil and natural gas production sources located on the Fort Berthold Indian Reservation (located in North Dakota, within the Williston Basin), the EPA determined that hundreds of oil and natural gas production facilities had been operating on the Reservation since 2007 and estimated that up to an additional 2,000 wells could result from future development (see further description of this FIP in Section V.B.).[10] Another area of increasing oil and natural gas development in Indian country is the Uintah and Ouray Indian Reservation in northeast Utah, within the Uinta Basin. According to recent National Environmental Policy Act (NEPA) documents for oil and natural gas development in the Uinta Basin, the Bureau of Land Management (BLM) has approved the construction of more than 5,000 new wells, and even more projects are anticipated for future NEPA review.[11] This increase in development has the potential to adversely impact air quality and will result in an increased permitting burden for sources and reviewing authorities under the Indian Country Minor NSR rule that is scheduled to take effect on September 2, 2014.[12]

Although rapid increases in oil and natural gas production have occurred in some areas of Indian country in recent years, uncertainties about the extent of environmental impacts from this production in Indian country persist despite developing policy initiatives, programs, and industry practices to address the environmental implications of the emissions associated with this growth. These uncertainties are due in part to the scarcity of ambient air monitoring in some areas of Indian country, as discussed below. Additionally, there is incomplete emissions information for this sector in Indian country and improvements in emissions methodologies are still evolving. See Section IV.B. for further discussion of these issues.

At the same time, the EPA remains committed to supporting tribes' right to self-governance and protecting their inherent sovereignty. Uncertainties surrounding the regulation of oil and natural gas production sources in Indian country have resulted in an ''uneven playing field'' in some areas between Indian country and surrounding states (i.e., sources in areas with similar air quality are not subject to the same requirements). The EPA continues to actively reach out to oil and natural gas organizations and other stakeholders to improve our understanding of the potential environmental implications of oil and natural gas production operations, and we strive to provide greater regulatory certainty and consistency in the regulation of these operations through enhanced data

[7] Conventional oil and natural gas resources occur in permeable sandstone and carbonate deposits, while unconventional resources exist in shale and sedimentary rock formations. Unconventional resources are also referred to as ''tight formations'' because their lack of permeability make them resistant to hydrocarbon flow unless the formation is fractured. M. Ratner and M. Tiemann, Congressional Research Service, ''An Overview of Unconventional Oil and Natural Gas: Resources and Federal Actions,'' July 15 2013, available at *http://www.fas.org/sgp/crs/misc/R43148.pdf.*

[8] A. Bar-Ilan, J. Grant, R. Parikh, A. Pollack, and R. Morris, ENVIRON International Corp., D. Henderer, Buys & Assocs., Inc., and K. Sgamma, Western Energy Alliance, ''A Comprehensive Emissions Inventory of Upstream Oil and Gas Activities in the Rocky Mountain States,'' prepared for the Western Regional Air Partnership, July 2013, available at *http://www.epa.gov/ttnchie1/conference/ei19/session8/barilan.pdf.*

[9] D. Helmig, C. Thompson, J. Evans, P. Boylan, J. Hueber, and J.-H. Park, Institute of Arctic and Alpine Research (INSTAAR), University of Colorado, Boulder, ''Highly Elevated Atmospheric Levels of Volatile Organic Compounds in the Uintah Basin, Utah,'' Environ. Sci. Technol. (accepted for publication), March 13, 2014, available at *http://pubs.acs.org/doi/pdf/10.1021/es405046r.*

[10] ''Approval and Promulgation of Federal Implementation Plan for Oil and Natural Gas Well Production Facilities: Fort Berthold Indian Reservation (Mandan, Hidatsa, and Arikara Nation), North Dakota,'' 78 FR 17836, March 22, 2013. The Technical Support Document for the Fort Berthold FIP includes a more detailed explanation of the rule development; this document is available in the docket for the FIP, i.e., Docket ID: EPA–R08–OAR–2012–0479, see *www.regulations.gov.*

[11] See, e.g., U.S. Dept. of the Interior, Bureau of Land Management, ''Record of Decision for the Gasco Energy Inc. Uinta Basin Natural Gas Development Project,'' June 18, 2012, available at *http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa_.html;* U.S. Dept. of the Interior, Bureau of Land Management, ''Greater Natural Buttes Record of Decision,'' May 8, 2012, available at *http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa_html.*

[12] The EPA has proposed to extend this deadline to a date within a range between September 2, 2015 to March 2, 2016 for oil and natural gas production sources. 79 FR 2546, Jan. 14, 2014.

collection and analysis, improved information sharing and partnerships, and focused compliance assistance and enforcement. The EPA must address these considerations while also meeting our trust responsibilities regarding protection of air quality and public health in Indian country. We believe that it is appropriate to explore measures that reduce the administrative burden associated with regulating new minor sources and minor modifications of existing stationary sources in a way that: (1) Ensures the timely implementation of environmental protections; (2) maximizes the efficient use of resources; (3) minimizes preventable delays in economic development; and (4) proactively mitigates potential adverse air-quality-related environmental and public health impacts that could result from the rapid growth in emissions from oil and natural gas production operations.

The Indian Country Minor NSR rule allows us to manage minor source emissions increases in Indian country and ensure that new emissions do not cause or contribute to a National Ambient Air Quality Standard (NAAQS) or Prevention of Significant Deterioration (PSD) increment violation. However, industry and tribal governments have expressed concerns that EPA Regional Office reviewing authorities may not be able to keep pace with the volume of oil and natural gas-related permit applications the offices may receive, and a lag in permit issuance rates could place sources in Indian country at a competitive disadvantage compared to similar sources located in the surrounding state-managed lands. We are cognizant of this concern, especially in light of the approximately 6,400 existing minor source registrations received in the EPA Region 8 Office for facilities in the oil and natural gas production segment.[13]

A general permit, a permit by rule (more rapid permit issuance than a general permit), and a FIP (essentially a permit by rule, but with the potential to additionally address existing sources) would each allow more expeditious implementation of the minor NSR program compared to requiring site-specific permits. Establishing requirements for appropriate mitigation measures for a general permit or permit by rule in areas where emissions from existing oil and natural gas production activities are an issue could be challenging, given that these approaches would not address existing sources.

Accordingly, today we seek comment on the appropriateness of any available permitting or other approaches as a means for managing emissions impacts from the growth of oil and natural gas production emissions in Indian country through either regulation of the construction and modification of proposed new minor sources and minor modifications at major sources within the oil and natural gas production segment (the permitting approach) or direct regulation of proposed oil and natural gas sources (the FIP approach). We also seek comment on whether and how a potential FIP should regulate emissions from existing sources in the oil and natural gas industry to balance economic growth with appropriate environmental protections.

B. What information do we have regarding emissions and air quality associated with oil and natural gas production in Indian country?

Federal and state government agencies have accumulated substantial data characterizing oil and natural gas sector activity in Indian country. But there are still gaps in our knowledge regarding the extent of oil and natural gas activity in Indian country and its impacts. The EPA is making a concerted effort to improve our understanding of oil and natural gas emissions generally, as well as improving estimates of emissions from oil and natural gas production activity in Indian country.

1. Federal and State Government Emissions and Other Data

According to the Office of Indian Energy and Economic Development (IEED) at the Department of the Interior (DOI), significant oil and natural gas production in Indian country has already occurred and there is even greater potential for future development. As of 2012, more than 2 million acres of Indian lands accounting for about 10 percent of the oil and natural gas production from federally regulated onshore acreage had been leased for oil and natural gas development.[14] The DOI estimates that ''since 2002, annual income from energy mineral production increased by more than 113 percent and this trend is expected to continue for the foreseeable future.'' [15] As of April 2014, over 6,400 minor sources in the oil and natural gas production sector have registered with the EPA's Region 8 Office in response to the registration requirement in the Indian Country Minor NSR rule.

By comparing maps of Indian country in the U.S. to maps of known conventional and unconventional oil and natural gas reserves, it is evident that many areas of Indian country are in regions that are rich in mineral resources. The IEED has been providing technical assistance to various tribes to identify numerous prospects for drilling, ''by purchasing, reprocessing and interpreting thousands of miles of 2D [two dimensional] seismic data as well as hundreds of square miles of 3D [three dimensional] data.'' [16] The DOI's Indian Affairs Office maintains an Atlas of Oil and Gas Plays on American Indian Lands as well as information sheets on the status of oil and natural gas reserves and drilling on a limited set of specific reservation lands.[17]

Growth in oil and natural gas production in Indian country is occurring or is expected in many areas. For example, the Jicarilla Apache Nation reports that it has almost 3,000 active and plugged oil and natural gas wells, and 2,000 miles of natural gas-gathering pipelines and roads, while the Ute Tribal Business Committee reports that the Ute reservation currently has 7,000 wells, and plans to open up an additional 150,000 acres to mineral leases.[18] The U.S. Energy Information Administration (EIA) reports that sales of crude oil produced on Indian lands located primarily in North Dakota and Utah increased 56 percent from 2003 to 2012, which is the highest recorded level.[19] Detailed drilling rig activity reported by EIA projects almost a doubling of new oil production from rigs at the Bakken formation, which underlies the Fort Berthold Indian Reservation, from December 2012 to December 2013.[20] The Bakken oil field covers about 200,000 square miles of the

[13] In the Indian Country Minor NSR rule, EPA established a registration program that required owners and operators of existing true minor sources to file a one-time registration with the appropriate reviewing authority by March 1, 2013. EPA's Region 8 Office has received more than 6,400 registrations from true minor sources in the oil and natural gas sector. This far exceeded the amount received from sources in any other category.

[14] ''Energy Development in Indian Country,'' Testimony Before the Senate Committee on Indian Affairs, J. Gillette, Deputy Asst. Secretary Indian Affairs, U.S. Dept. of the Interior, Feb. 16 2012, available at *http://www.doi.gov/ocl/hearings/112/IndianCountryEnergyDevelopment_021612.cfm.*

[15] *Id.*

[16] *Id.*

[17] For more information, see: *http://www.bia.gov/WhoWeAre/AS-IA/IEED/DEMD/oilgas/index.htm.*

[18] J. Kemp, Reuters Daily Online Publications, ''Tribes call for faster drilling on Indian lands,'' Feb. 5, 2013, available at *http://www.reuters.com/article/2013/02/05/column-kemp-oilgas-indian-lands-idUSL5N0B5A9W20130205.*

[19] U.S. EIA, ''Sales of Fossil Fuels Produced from Federal and Indian Lands, FY 2003 through FY 2012,'' May 30, 2013, available at *http://www.eia.gov/analysis/requests/federallands/.*

[20] U.S. EIA, ''Drilling Productivity Report for Key Tight Oil and Shale Gas Regions,'' March 2014, available at *http://www.eia.gov/petroleum/drilling/pdf/dpr-full.pdf.*

subsurface of the Williston Basin that lies under parts of the States of Montana, South Dakota, North Dakota and Montana in the United States, and the provinces of Manitoba and Saskatchewan in Canada.

Declines in air quality in states such as Wyoming and Utah have been attributed to oil and natural gas development. In a technical support document for its ozone nonattainment designation recommendation for the Upper Green River Basin, Wyoming indicated that oil and natural gas development was a ''pertinent factor'' in ozone concentrations found in Sublette County. In the Upper Green River Basin area, Wyoming attributed 94 percent of VOC emissions and 60 percent of the NO_X emissions in that area to oil and natural gas sources, and indicated that speciated data from elevated ozone events carried a characteristic oil and natural gas signature.[21]

Utah, which was ranked 11th in the nation in crude oil production in December 2013 [22] and 10th in the nation in natural gas marketed production in 2012,[23] has also experienced adverse air quality impacts from growth in oil and natural gas development. In June 2010, the Utah Department of Environmental Quality reported that 2009 winter-time ozone levels in the Uinta Basin reached a high-hour value of 0.137 ppm, a level that is well above the level of the current 8-hour ozone NAAQS of 0.075 ppm. They also reported that values of $PM_{2.5}$ in the winters of 2007, 2008, and 2009 were at concentrations at or above the $PM_{2.5}$ NAAQS.[24] Beginning in the winter of 2012, Utah undertook a multi-year, comprehensive study of emissions in the Uinta Basin, including areas of the Uintah and Ouray Indian Reservation. Based on data collected during the study, Utah concluded that 98–99 percent of VOC emissions and 57–61 percent of NO_X emissions in the area originated from oil and natural gas operations.[25]

In the United States, 418 counties are entirely or partly Indian country.[26] Table 1 summarizes the current status (as of August 2013) of existing air quality designations and design values (DVs) (2010–2012) of counties that are entirely or partly Indian country.[27] It includes information for the 8-hour 2008 ozone NAAQS, the 1997 $PM_{2.5}$ annual NAAQS,[28] 2006 $PM_{2.5}$ 24-hour NAAQS and the 1987 PM_{10} NAAQS. Although the total percentage of counties in Indian country which are known to be exceeding the NAAQS is not large, the potential exists for others to exceed the NAAQS as oil and natural gas production activities continue to grow.

TABLE 1—THE CURRENT STATUS OF DESIGNATIONS AND DVS (2010–2012) OF COUNTIES THAT ARE ENTIRELY OR PARTLY INDIAN COUNTRY

Designation	Counties where Indian country exists	Counties where Indian country and 2010–12 DVs exist	Counties where Indian country exists and that are exceeding NAAQS based on 2010–12 DVs
1997 $PM_{2.5}$ Annual NAAQS:			
Unclassifiable/Attainment	411	72	2
Maintenance	1	1	0
Nonattainment	6	6	6
Totals	418	79	8
2006 $PM_{2.5}$ 24 Hour NAAQS:			
Unclassifiable/Attainment	400	63	0
Maintenance	1	1	0

[21] Wyoming Dept. of Environmental Quality, ''State of Wyoming Technical Support Document I For Recommended 8-Hour Ozone Designation for the Upper Green River Basin, WY,'' March 2009, available at *http://www.epa.gov/groundlevelozone/designations/2008standards/rec/letters/08_WY_rec.pdf.*

[22] U.S. Energy Information Administration, ''Rankings: Crude Oil Production,'' Dec. 2013, available at *http://www.eia.gov/state/rankings/?sid=US#/series/46.*

[23] U.S. Energy Information Administration, ''Rankings: Natural Gas Marketed Production,'' 2012, available at *http://www.eia.gov/state/rankings/?sid=US#/series/47.*

[24] See Utah Dept. of Environmental Quality, ''Rural Air Quality and Oil/Gas in Utah Fact Sheet,'' June 2010, available at *http://www.tricountyhealth.com/June2010-%20Air%20Issues%20with%20Oil%20and%20Gas.pdf.*

[25] See Utah Dept. of Environmental Quality, ''Ozone in the Uintah Basin,'' Sept. 2013, available at *http://www.deq.utah.gov/locations/uintahbasin/docs/2013/09Sep/ozone2013.pdf.*

[26] Limitations of use: The EPA makes no claims regarding the accuracy or precision of data concerning Indian Country locations or boundaries on the EnviroFacts Web site (*http://www.epa.gov/enviro/*). The EPA has simply attempted to collect certain readily available information relating to Indian Country locations. Questions concerning data should be referred to the originating program or Agency which can be identified in the EnviroFacts tribal query metadata files for tribal areas in the lower 48 states (*https://edg.epa.gov/metadata/rest/document?id=%7B8077CD55-74FB-4107-8047-3DEC0D55966A%7D&xsl=metadata_to_html_full*), Alaska Reservations (*https://edg.epa.gov/metadata/rest/document?id=%7BE37B0B2-EB0B-436C-B993-C18D8895E522%7D&xsl=metadata_to_html_full*), Alaska Native Villages (*https://edg.epa.gov/metadata/rest/document?id=%7BE4341D1B-656F-4E76-86DB-9216E8A968EA%7D&xsl=metadata_to_html_full*), or Alaska Native Allotments (*https://edg.epa.gov/metadata/rest/document?id=%7B15FEB09B-752E-4B48-B01BD9F2D360623A%7D&xsl=metadata_to_html_full*). The Indian Country locations shown in these files are suitable only for general spatial reference and do not necessarily reflect the EPA's position on any Indian Country locations or boundaries or the land status of any specific location. The inclusion of Indian Country information on the EnviroFacts Web site does not represent any final EPA action addressing Indian Country locations or boundaries. This information cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States or third parties. The EPA reserves the right to change information on EnviroFacts at any time without public notice. The EPA uses the U.S. Census Bureau 2010 tribal boundary layer data when developing environmental data query responses for tribes in the lower 48 United States and information from the Bureau of Land Management Alaska State Office when developing environmental data query responses for tribes in Alaska. The tribal boundary locations identified are suitable only for general spatial reference and do not necessarily reflect the EPA's position on any Indian Country locations or boundaries, or the land status of any specific location. The EPA seeks to use the best available national Federal data and may refine the tribal boundary layer in the future as more accurate national Federal data become available.

[27] Information for those NAAQS for which the EPA has designated nonattainment areas in Indian Country are available online at *http://www.epa.gov/air/tribal/tribalnsr.html* and Docket ID No. EPA–HQ–OAR–2011–0151. NAAQS for which the EPA has designated nonattainment areas in Indian Country are: ozone (2008 NAAQS), PM_{10} (1987 NAAQS), $PM_{2.5}$ 24-Hour (2006 NAAQS), and $PM_{2.5}$ annual (1997 NAAQS). No tribal lands are currently designated nonattainment for SO_2 (2010 NAAQS), NO_2, lead (2008 NAAQS), or CO.

[28] Designations under the 2012 $PM_{2.5}$ annual standard (12.0 $\mu g/m^3$) have not yet occurred.

TABLE 1—THE CURRENT STATUS OF DESIGNATIONS AND DVS (2010–2012) OF COUNTIES THAT ARE ENTIRELY OR PARTLY INDIAN COUNTRY—Continued

Designation	Counties where Indian country exists	Counties where Indian country and 2010–12 DVs exist	Counties where Indian country exists and that are exceeding NAAQS based on 2010–12 DVs
Nonattainment	17	16	6
Totals	418	80	6
2008 Ozone NAAQS:			
Unclassifiable/Attainment	395	100	18
Unclassifiable	2		
Nonattainment	21	21	18
Totals	418	121	36
1987 PM_{10} NAAQS:			
Unclassifiable/Attainment	384	35	3
Maintenance	13	4	1
Both Nonattainment and Maintenance Areas	6	5	2
Nonattainment	15	13	8
Totals	418	57	14

A map displaying the areas of Indian country for which we have ozone and $PM_{2.5}$ monitors is available in the docket for this ANPR (EPA–HQ–OAR–2011–0151), which is available at *www.regulations.gov.* As shown by the map, a number of areas of Indian country lack a robust monitoring network for these pollutants. Consequently, there are uncertainties about the extent of environmental impacts from oil and natural gas production in Indian country. Given the environmental impacts from oil and natural gas production in various states, as discussed above, air quality in Indian country may likewise be at risk of reaching unhealthy levels due to impacts from oil and natural gas production in Indian country.

2. Efforts To Improve Oil and Natural Gas Production Emissions and Other Data

The EPA is working to improve our understanding of emissions from oil and natural gas generating activity. We recently developed an Oil and Gas Emission Estimation Tool that uses a methodology designed to estimate county-level emissions for the oil and natural gas production sector.[29] Tool development started in April 2012 and has been performed in collaboration with a national workgroup, which includes state and regional emissions inventory developers. The draft tool produces county-level emissions estimates for many of the processes associated with oil and natural gas exploration and production for calendar year 2011. For criteria pollutants and hazardous air pollutants (HAP), this methodology is being used by the EPA to estimate emissions for use in the National Emissions Inventory (NEI) for field exploration, production, and gathering activities. The tool allows for subtracting out point source emissions from the tool's nonpoint source emission estimates to avoid double counted emissions. The tool estimates emissions from the following oil and natural gas production processes:

Drill rigs;
Workover rigs;
Well completions (flaring/venting for both conventional and green completions);
Well hydraulic fracturing and completion engines;
Heaters (separator, line, tank, reboilers);
Storage tanks (condensate, black oil, produced water);
Mud degassing;
Dehydration units;
Pneumatics (pumps, all other devices);
Well venting/blow downs (liquid unloading);
Fugitives;
Truck loading;
Wellhead engines;
Pipeline compressor engines;
Flaring;
Artificial lifts; and
Gas actuated pumps.

In addition, we recently completed a draft estimate of emissions from oil and natural gas production activity in Indian country (except for Alaska).[30] The analysis uses outputs from the Oil and Natural Gas Emissions Estimation Tool, as well as point source data submitted by states and tribes to the 2011 NEI. Because tribes have only submitted limited oil and natural gas emissions data to the NEI, we have developed a methodology that relies heavily on state-submitted data to develop draft emissions estimates for sources in Indian country. We welcome feedback on our analysis and its assumptions and how to continue to improve these estimates in the future.

Also, the EPA's Greenhouse Gas Reporting Program, which was required by Congress in the FY2008 Consolidated Appropriations Act, collects activity and emissions data annually from petroleum and natural gas systems facilities that are above the 25,000 metric ton carbon dioxide equivalent reporting threshold. The data are reported by facilities located across the United States, including facilities that operate in areas of Indian Country.

Further, due to the cooperative efforts of states, the oil and natural gas industry, multi-state organizations (e.g., Central States Air Resources Agencies

[29] A description of the tool, how it was developed, and its intended use is available at *http://www.epa.gov/ttn/chief/net/2011 inventory.html* under ''2011 NEI Version 1 Documentation,'' see Nonpoint Emission Tools and Methods.

[30] The draft analysis is available in the docket for this ANPR, EPA–HQ–OAR–2011–0151, *www.regulations.gov.* The analysis does not include an estimate of the emissions that may occur for tribal lands adjacent to Alaska because the underlying spatial allocation done for the county-based data is not readily available for Alaska.

(CenSARA) and WRAP) and environmental organizations, improvements have been made in the development of emissions estimation methodologies and in the submission of data to the 2011 NEI. These efforts have substantially improved the quantity and quality of state emissions information in the inventory, and, to a lesser but still helpful extent, Indian country emissions information. This increase in information has improved our understanding of the emissions impacts of the oil and natural gas exploration and production sector. The following summary describes some of these efforts.

EPA Region 8: In 2008, the EPA's Region 8 Office (for Montana, North and South Dakota, Wyoming, Colorado, and Utah) assessed the environmental impacts of oil and natural gas production in that region, including areas of Indian country. The assessment concluded that VOC emissions from activities associated with oil and natural gas production comprised over 40 percent of the total criteria pollutant emissions in the EPA Region 8 states in 2002, while emissions of NO_X, CO and SO_2 contributed approximately 15 percent, 9 percent and 4 percent of total criteria pollutant emissions in the Region, respectively. While the study found that PM emissions from oil and natural gas production activity constituted a comparatively small fraction of total regional criteria pollutant emissions, the study, nonetheless, expressed concern about the potential impacts of PM emissions from this sector in the future given expected industry growth rates.[31]

Texas: While there are limited areas of Indian country in Texas, information about the emissions from oil and natural gas production in the State may be indicative of the types of emissions in certain areas of Indian country. In 2010, Texas released a comprehensive report characterizing emissions from oil and natural gas production in the State. The report concluded that emissions from ''area source oil and gas production sites on a state-wide basis are significant with over 200,000 tons of NO_X, 1,500,000 tons of VOC, and 30,000 tons of HAP emitted in 2008.'' [32] Even larger contributions of VOC emissions originated from storage tanks and pneumatic pumps. The report indicated that compressor engines and artificial lift engines were the main sources of NO_X emissions.[33]

WRAP: The WRAP began efforts to improve emissions estimation methodologies and inventories in 2005. In Phase III and IV of its study, WRAP developed a comprehensive base year inventory for several basins in the Rocky Mountain area that encompass areas of Indian country. The Phase III inventory showed that VOC emissions varied widely between basins, with pneumatic devices, dehydrators, and tanks being significant sources of VOC in non-coal methane basins. The Williston Basin had significantly higher VOC emissions from oil and natural gas activity than any other basin at over 350,000 tons/year. Three other basins had VOC emissions that neared 100,000 tons/year.

The WRAP emissions inventory effort also found that emissions of NO_X per wellhead have remained relatively stable with differences explainable by the amount of centralized versus well pad compression used.[34] Estimated emissions of SO_2 were comparatively less significant, and the predominant source of SO_2 emissions from oil and natural gas occurs downstream from oil and natural gas production in gas processing plants.[35]

In July 2011, the WRAP published the first emissions inventory report that attempts to quantify the contribution of oil and natural gas mobile source emissions to total emissions inventories. Results of this limited study showed that mobile sources did not contribute significantly to total VOC, CO, and NO_X emissions, but did comprise a significant proportion of total PM_{10} emissions due to vehicle traffic on unpaved roads.[36]

CenSARA: In 2012, CenSARA released an oil and natural gas emissions study that included such area source emission points as hydraulic fracturing pumps, casing gas venting, produced water storage tanks, gas-actuated pneumatic pumps, fugitive emissions from compressor seals, mud degassing, and hydrocarbon liquids loading. Emissions estimates for these sources, however, contain some uncertainties due to data gaps on equipment usage and size, local gas compositions, usage of control methods, and venting rates for particular sources. The CenSARA study concluded that major sources of VOC emissions vary greatly by basin, and that pneumatic devices and storage tank emissions consistently remained significant sources of VOC emissions in all basins. For NO_X emissions, the report identified wellhead compressor engines as the ''largest source of NO_X emissions across the CenSARA domain, representing on average at least 50 percent of the total basin-level NO_X emissions in some of the basins such as Permian, Western Gulf, Anadarko, Bend Arch Fort Worth and East Texas.'' The report also identified heaters as a major source of NO_X emissions, especially in oil producing basins. Notably, the report did not specifically highlight NO_X emissions from flaring, but instead included these emissions within its estimates for different source types such as well completions, condensate tanks, crude oil tanks, blow downs and dehydrators.[37]

Efforts to improve emission estimation and measurement methodologies and characterize air quality impacts from oil and natural gas production operations are ongoing. While the quantity and quality of our NO_X and VOC inventories are getting better, we cannot combine prior and current information to form emission trends for oil and natural gas production because of the lack of quality data regarding these sources in earlier inventories. Also, non-ozone precursors and other criteria pollutants are not as well studied and characterized, although the WRAP emissions inventory project suggests that the primary source of SO_2 emissions is natural gas processing plants.[38]

[31] U.S. EPA Region 8, ''An Assessment of the Environmental Implications of Oil and Gas Production: A Regional Case Study,'' Working Draft, Sept. 2008, available at *http://www.epa.gov/sectors/pdf/oil-gas-report.pdf.*

[32] M Pring, D. Hudson, J. Renzaglia, B. Smith and S. Treimel, Eastern Research Group, Inc., ''Characterization of Oil and Gas Production Equipment and Develop a Methodology to Estimate Statewide Emissions,'' final report for Texas Commission on Environmental Quality, Air Quality Division, Nov. 24, 2010, available at *http://www.tceq.texas.gov/assets/public/implementation/air/am/contracts/reports/ei/5820784003FY1026-20101124-ergi-oilGasEmissionsInventory.pdf.*

[33] *Id.*

[34] A. Bar-Ilan, ENVIRON International Corp. and T. Moore, WRAP/Western States Air Resources Council (WESTAR), ''Upstream Oil and Gas Emission Inventories: Regulatory and Technical Considerations,'' Oct. 21, 2013, available at *http://www.wrapair2.org/pdf/Moore_Barilan_OandG_Inventories_10_20_13.pdf.*

[35] L. Gribovicz, WRAP, ''Analysis of States' and EPA Oil & Gas Air Emissions Control Requirements for Selected Basins in the Western United States (2013 Update), Nov. 8, 2013, available at *http://www.wrapair2.org/Analysis.aspx.*

[36] A. Bar-Ilan, J. Grant, R. Parikh, R. Morris, ENVIRON International Corp. and D. Henderer, Kleinfelder/Buys and Assos., ''Oil and Gas Mobile Sources Pilot Study,'' U.S. EPA work assignment report 4–08, July 2011, available at *http://www.wrapair2.org/pdf/2011-07_P3%20Study%20Report%20(Final%20July-2011).pdf.*

[37] ENVIRON and Eastern Research Group, Inc., prepared for CenSARA, ''2011 Oil and Gas Emission Inventory Enhancement Project for CenSARA States,'' Dec. 21, 2012, available at: *www.censara.org/html/presentations.php?mode=download&id=200.*

[38] L. Gribovicz, WRAP, ''Analysis of States' and EPA Oil & Gas Air Emissions Control Requirements

We also recognize that VOC emissions information from sources located within one geological formation may not be representative of the type of emissions expected from other formations. Different geological formations produce different types of fluids and gases which affect the pollutant concentrations in emissions from those gases and liquids. VOC emissions rates at a single well tend to decline after the time the well is drilled and becomes productive. These rates can also change due to operational variances resulting from declines in flow rates and temperature fluctuations. Pollutant concentrations from the same well site also change as production draws liquids and gas from deeper within the formation.

3. Summary Conclusions on the State of Oil and Natural Gas Production Emissions and Associated Air Quality Information in Indian Country

When the Agency reviews the information available to characterize the emissions impact of ongoing oil and natural gas production activity in Indian country, we reach two main conclusions. First, we recognize the need to continue improving our understanding of oil and natural gas production emissions and activity in Indian country. Second, despite the need for additional information and associated uncertainties, we believe enough information is available that it is appropriate to seek comment on the need to establish requirements for existing sources to protect air resources and public health in Indian country from the impacts of oil and natural gas production activity, especially in cases where adjoining state requirements address existing sources in those states. Available evidence indicates that cumulative emissions from existing sources in the oil and natural gas production industry are causing elevated ambient ozone levels in areas outside of Indian country. We believe that air quality in Indian country may be similarly at risk of reaching unhealthy levels from the cumulative impacts of oil and natural gas production sources. Although at this time, we cannot quantify the magnitude of that risk, we believe that there is the possibility that air quality levels may violate the 8-hour ozone NAAQS in some areas currently classified as unclassifiable/attainment, and also may cause increases in ozone concentrations in areas already violating the 8-hour ozone NAAQS.

This second conclusion is based on best available information on oil and gas emissions and associated air quality, including: Data provided to EPA through efforts led by individual states or multi-state organizations to improve our understanding of oil and natural gas emissions and associated air quality information for areas with oil and natural gas production operations; state emissions inventories for, and studies of, the oil and natural gas production industry that provide us with information on the predominant sources of VOC and NO_X emissions in the oil and natural gas sector; and state and EPA regulatory efforts [39] to control emissions from new and existing sources in the oil and natural gas industry that indicate that cost-effective emissions reductions are likely available to control emissions from these VOC and NO_X emissions sources. Given these factors, we believe it is appropriate to seek comment on regulating existing oil and natural gas production emission sources, as well as new and modified minor sources and minor modifications at major sources located in Indian country through a FIP or other approach to ensure air quality resources are protected in Indian country.

V. Federal Implementation Plan Approach

A. What is a FIP?

Under section 302(y) of the Act, the term ''Federal implementation plan'' means ''. . . a plan (or portion thereof) promulgated by the Administrator to fill all or a portion of a gap or otherwise correct all or a portion of an inadequacy in a State implementation plan, and which includes enforceable emission limitations or other control measures, means or techniques (including economic incentives, such as marketable permits or auctions of emissions allowances), and provides for attainment of the relevant national ambient air quality standard.'' 42 U.S.C. 7602.

While the definition refers only to an inadequacy in a state plan, we also use this term to describe actions we take to regulate emissions in Indian country pursuant to our authority under CAA section 301(d) which authorizes us to treat Indian tribes as states and, in appropriate circumstances, to issue regulations establishing applicable requirements. 42 U.S.C. 7601(d).

The Indian country minor NSR rule is an example of a FIP. In that rule, we identified a regulatory gap that could have the effect of adversely impacting air quality due to the lack of approved minor NSR permit programs to regulate construction of new and modified minor sources and minor modifications of major sources in Indian country. The EPA promulgated the FIP to ensure that air resources in Indian county are protected by establishing a preconstruction permitting program to regulate emissions increases resulting from construction and modification activities that are not already regulated by the major NSR permitting programs.

B. What is the EPA's authority for issuing a FIP regulating sources in Indian country?

Section 301(d) of the CAA, 42 U.S.C. 7601(d), directs us to promulgate regulations specifying the provisions of the Act for which it is appropriate for us to treat Indian tribes in the same manner as states. Pursuant to this statutory directive, the EPA promulgated regulations entitled ''Indian Tribes: Air Quality Planning and Management'' [Tribal Air Rule (TAR)] 63 FR 7254 (February 12, 1998). This regulation delineates the CAA provisions for which we will treat tribes in the same manner as states. *See* 40 CFR 49.3, 49.4. In this regulation, we determined that we would not treat tribes as states with respect to CAA section 110(a)(1) (State Implementation Plan (SIP) submittal) and CAA section 110(c)(1) (directing the EPA to promulgate a FIP ''within 2 years'' after we find that a state has failed to submit a required plan, or has submitted an incomplete plan, or within 2 years after we disapproved all or a portion of a plan), among other provisions. See 40 CFR 49.4(a), (d); 63 FR at 7262–66 (February 12, 1998).

The TAR preamble clarified that by including CAA section 110(c)(1) on the § 49.4 list, ''EPA is not relieved of its general obligation under the CAA to ensure the protection of air quality throughout the nation, including throughout Indian country. In the absence of an express statutory requirement, EPA may act to protect air quality pursuant to its 'gap-filling' authority under the Act as a whole. *See, e.g.* CAA section 301(a).'' 63 FR at 7265, Feb. 12, 1998. The preamble confirmed that ''EPA will continue to be subject to the basic requirement to issue a FIP for affected tribal areas within some

for Selected Basins in the Western United States (2013 Update),'' Nov. 8, 2013, available at *http://www.wrapair2.org/Analysis.aspx.*

[39] See, e.g., L. Gribovicz, WRAP, ''Analysis of States' and EPA Oil & Gas Air Emissions Control Requirements for Selected Basins in the Western United States (2013 Update),'' Nov. 8, 2013, available at *http://www.wrapair2.org/Analysis.aspx;* NSPS 40 CFR Part 60, Subpart OOOO; and B. Finley, Denver Post, ''Colorado takes up details in push to cut oil and gas air pollution,'' Nov. 22, 2013, available at *http://www.denverpost.com/environment/ci_24575958/colorado-takes-up-details-push-cut-oil-and.*

reasonable time.'' *Id.* (referencing § 49.11(a) which provides that the Agency will promulgate a FIP as necessary or appropriate to protect tribal air quality within a reasonable time if tribal efforts do not result in adoption and approval of tribal plans or programs).[40]

The preamble to the TAR also set forth our view that, based on the ''general purpose and scope of the CAA, the requirements of which apply nationally, and on the specific language of sections 301(a) and 301(d)(4), Congress intended to give to the Agency broad authority to protect tribal air resources.'' *Id.* at 7262. It further discussed the EPA's intent to ''use its authority under the CAA 'to protect air quality throughout Indian Country' by directly implementing the Act's requirements in instances where tribes choose not to develop a program, fail to adopt an adequate program or fail to adequately implement an air program.'' *Id.*

In this action, we are soliciting comment on the concept of using a FIP to regulate new and modified emissions units at facilities in the oil and natural gas production segment that operate in Indian country. Additionally, we are soliciting comments on whether a FIP, if that is determined to be an appropriate permitting approach for new oil and natural gas production sources, should also be used to regulate existing sources. If we determine that it is ''necessary or appropriate'' to exercise our discretionary authority under sections 301(a) and 301(d)(4) of the CAA and 40 CFR 49.11(a) of our implementing regulations, we will publish a proposed rule that provides an opportunity for full public review and comment.

The EPA has already promulgated a FIP regulating new, modified and existing oil and natural gas production operations[41] on the Fort Berthold Indian Reservation (78 FR 17836, March 22, 2013). The FIP requires owners and operators of new, modified and existing oil and natural gas production facilities to reduce VOC emissions from certain equipment. The rule is aimed at addressing significant emissions of VOC that could potentially threaten public health and the environment, while minimizing the regulatory burden (i.e., under the FIP, there is no source-by-source review of permit applications) and disruption to economic development on the reservation. The rule also provides improved consistency between what oil and natural gas production sources located on the reservation must do to control emissions and the requirements applicable to oil and natural gas production sources located on neighboring lands within State jurisdiction in North Dakota.

C. Would an oil and natural gas FIP apply in addition to the Indian Country Minor NSR permitting program and would compliance with the FIP be mandatory?

We envision that a source that complies with appropriate requirements for construction and modification under the FIP would not cause or contribute to a NAAQS or increment violation. Accordingly, the oil and natural gas FIP would serve the purpose for which the EPA promulgated the Indian Country Minor NSR permitting program, and, thus, it would be unnecessary to require a facility complying with the requirements for modification and construction activities in the FIP to also comply with requirements in the Indian Country Minor NSR permitting program.

The Indian Country Minor NSR permitting program established general requirements to regulate construction and modification of minor sources and minor modifications at major sources from all types of pollutant-emitting source categories. Because a FIP would establish requirements tailored only for facilities in the oil and natural gas production segment, the EPA could specify control technology requirements that ensure that emissions increases from construction or modification of a minor source or minor modifications of a major source would not cause or contribute to a NAAQS or increment violation. In Section VII.A., we request comment on how we might coordinate compliance between the two programs if we were to pursue a FIP approach.

D. Could a FIP be used to satisfy major source NSR requirements?

A FIP would not replace the requirement for major sources to obtain a preconstruction permit and comply with Best Available Control Technology (BACT) emission limitations (in attainment and unclassifiable areas) or Lowest Achievable Emission Rates (LAER) (in nonattainment areas) before beginning actual construction of a new major source, or undertaking a major modification. However, if the enforceable requirements of the FIP limited the potential to emit of a new major source or the emissions increase of a major source undergoing a modification to less than major source levels, those sources could avoid the requirements for new major sources or major modifications. Both sections 165 and 172 of the CAA explicitly require major sources to obtain permits for the construction and operation of new or modified major stationary sources. 42 U.S.C. 7475 and 7502. We have already promulgated FIPs to carry out the major source permitting requirements of the Act for these areas (40 CFR 49.166–49.173, 52.21, and 52.24).

An oil and natural gas production FIP for minor sources, or minor modifications at major sources, could assist in providing a more streamlined major NSR permit issuance process in the event a new major source locates in Indian country, or an existing source undergoes a major modification. This likely could occur if the emissions controls required in the FIP were subsequently determined to constitute BACT or LAER controls, or because the emission reductions from the FIP help preserve the PSD increment in a given area. The development of the FIP will also provide interested parties the opportunity for full comment and review of the regulatory provisions.

VI. General Permit Approach

A. What is a general permit?

Under a CAA general permit approach, the EPA would use its permitting authority, established pursuant to 40 CFR 49.156, to issue a permit document (i.e., a general permit) that contains emissions limitations, monitoring, recordkeeping, and reporting requirements for a particular category of sources. The general permit would address emissions from new and modified units at the permitted source. To obtain coverage under the general permit, a minor source would submit an application for coverage to the reviewing authority. The application would demonstrate that the source qualifies as part of the relevant source category and also contains information on the nature of the construction or modification activity, including the type of sources involved and the magnitude of the proposed emissions increase. The reviewing authority would review the application once it was complete to verify that the source qualifies for coverage under the general permit and that it can meet the requirements of the

[40] 40 CFR 49.11(a) states that the EPA ''[s]hall promulgate without unreasonable delay such Federal implementation plan provisions as are necessary or appropriate to protect air quality, consistent with the provisions of sections 301(a) and 301(d)(4), if a tribe does not submit a tribal implementation plan meeting the completeness criteria of 40 CFR part 51, appendix V, or does not receive EPA approval of a submitted tribal implementation plan.''

[41] The FIP defined existing sources as sources constructed or modified on or after August 12, 2007 but before April 22, 2013 (April 22, 2013 is the effective date of the FIP). Sources constructed or modified on or after April 22, 2013 are new and modified under the FIP.

permit. Following this review period, which includes the opportunity for the public to comment on the appropriateness of a source receiving coverage under a general permit, the reviewing authority would issue a notice of approval or would deny the request for coverage. This process can take as long as 90 days. The public would have an opportunity to comment on the terms and conditions of the general permit itself that would apply to the sources gaining coverage under the permit only during the time the EPA is developing the permit and within that process. Once the EPA issues the permit, the public may only challenge whether a particular source qualifies for coverage under the established permit.

B. How would a general permit compare to a FIP?

As discussed previously, although NSR general permits cannot be used to address existing sources, a FIP could extend to existing sources; this is a key distinction between general permits versus a FIP.

Another distinction between a general permit and a FIP relates to the ability of the public to comment on and appeal a source's commencement of construction. To inform the public of the proposed construction project under a general permit or a FIP, we envision that the process could require the reviewing authority to make the source's advance notice available to the public, probably by posting it on the internet. Unlike the procedures for issuing and appealing a general permit, however, there would be no process for a citizen to comment on or appeal the right of a source to begin construction under the authority of an oil and natural gas production FIP. Nonetheless, an oil and natural gas production FIP would require a source to meet emission control requirements intended to avoid an increase in emissions that could cause or contribute to a NAAQS or PSD increment violation.

With respect to compliance and enforcement, the EPA (or a tribe with implementing authority) would be responsible for compliance and enforcement on a regular basis. In addition, any citizen could enforce the provisions of a general permit or a FIP, as it would the requirements of any other implementation plan or CAA requirement by commencing a civil action in the district court in the judicial district in which the source is located. Citizens retain the right under CAA section 304(a)(1) to commence a civil action ''against any person . . . who is alleged to have violated . . . or to be in violation of (A) an emission standard or limitation under this [Act]. . . .'' 42 U.S.C. 7604(a)(1). The Administrator also would retain the ability to enforce the requirements of a FIP under section 113(a)(1) of the Act, and in some cases, section 167 of the Act. 42 U.S.C. 7413 and 7477.

Both a general permit and an oil and natural gas production FIP provide a more streamlined approach for authorizing construction and modification of a source compared to site-specific permitting. Because an oil and natural gas production FIP would not require a source to initiate advance review and approval of coverage from the reviewing authority (similar to a permit by rule approach), it would reduce the resource burden on reviewing authorities associated with processing the potentially large volume of requests from true minor sources in the oil and natural gas production segment for coverage under a general permit. However, a FIP would provide less upfront scrutiny of an individual construction or modification project, and, unlike under a general permit, a citizen would not have the ability to object to a permit or a specific project gaining coverage and proceeding with construction under a FIP. The FIP would rely on the overall strength of the emissions control requirements and the compliance monitoring and reporting provisions (including potentially regulating both new and existing emissions generating activities) in the FIP to ensure that a new or modified source does not cause or contribute to a NAAQS or PSD increment violation.

Unlike a site-specific permit, both a general permit and a FIP would require a pre-defined, standardized level of control that would not provide flexibility to adapt applicable requirements to the specific needs of individual areas of Indian country. A FIP could, however, be designed to address such needs in a broad way by requiring differing levels of control in areas with differing air quality concerns. Under the Indian Country Minor NSR rule, a reviewing authority could deny a source's request for coverage under the general permit and instead issue a site-specific permit to address the unique needs of the area or source. This option can be available if we retain applicability of the Indian Country Minor NSR rule and use the FIP only as an optional, alternative mechanism. (See Section VII.A.)

One potential advantage of not retaining an option for site-specific permitting along with the FIP (discussed in Section VII.F.) is that regulated sources operating throughout Indian country would be subject to a ''level playing field,'' (i.e., all sources, or at least those located in or planning to locate in areas with similar air quality, would be subject to the same requirements). This would ensure that all oil and natural gas production sources in areas of Indian country with similar air quality are subject to the same level of emissions control. Neither a FIP nor a general permit could guarantee a ''level playing field'' in relation to sources in surrounding areas where states may have more or less stringent requirements than those that apply under the FIP or general permit in Indian country. Another approach would be for the FIP itself to provide a source the ability to seek a site-specific limit through a site-specific permit or FIP. We request comment on whether the inclusion of such a provision would be advisable.

The EPA seeks comment on the advantages and disadvantages associated with using a FIP approach versus a general permit approach or other potential approaches such as a permit by rule that could be taken to manage air quality impacts from oil and natural gas production sources located in Indian country. We note that a permit by rule approach and a FIP approach would function in much the same manner, however a FIP could be used to address existing sources whereas an NSR permit by rule would be limited to new and modified sources.

VII. Areas Where the EPA Is Requesting Comment

A. How would an oil and natural gas FIP or general permit relate to the Indian Country Minor NSR rule?

We envision designing any proposed FIP or general permit such that the emissions from a source that complies with the requirements for construction and modification likely would be protective of the NAAQS. Accordingly, we believe it is unnecessary to require a source to comply with both programs (i.e., the FIP or general permit and the Indian Country Minor NSR rule). We request comment on this approach.

In concert with promulgation of a FIP or issuance of a general permit, we could amend the Indian Country Minor NSR permitting program to provide a blanket exemption for all sources in the oil and natural gas production segment subject to the FIP or general permit. As a result, a minor source that constructs, or a minor or major source that undertakes a minor modification in Indian country, would need to comply only with the requirements in an oil and natural gas production FIP or general

permit.[42] Alternatively, we could exempt from the Indian Country Minor NSR permitting program only those sources that choose to comply with the requirements of an oil and natural gas production FIP or general permit in lieu of going through the permitting process from the minor NSR permitting program. This would mean that a source would have an option of choosing which program to comply with: (1) The FIP or general permit or (2) a site-specific alternative requirement. This may be appropriate if a particular source faces unique circumstances and it believes that permitting under a site-specific permit would result in different control requirements than required under the FIP or general permit. The resources required for reviewing and processing site-specific permits could increase the resource burden on reviewing authorities and thereby reduce some of the benefits of a FIP or general permit, but would provide flexibility to the industry. It would also increase the burden on the reviewing authorities as they would need to do more checking on actual growth and changes in air quality because of lack of full coverage of the FIP or general permit.

Under the first approach, all sources would be required to comply with the oil and natural gas production FIP or general permit, and would not be able to avail themselves of a site-specific permit. Non-compliance with the FIP or general permit provisions could result in an enforcement action. Under the second approach, a source would have to specifically request coverage under the Indian Country Minor NSR regulation, and failure to do so could result in an enforcement action. We request comment on the best means for coordinating compliance between a FIP or general permit and the Indian Country Minor NSR permitting program, and whether we should allow individual sources a choice as to the program with which they will comply.

B. Should we regulate existing emission units at a source under a FIP?

We are concerned that the rapid growth of the oil and natural gas production segment in combination with existing exploration and production activities could result, or in some cases already has resulted, in adverse air quality impacts. We also believe that a number of cost-effective emission reduction measures could be applied to existing emissions units to balance new growth by mitigating the potential for adverse air quality impacts from overall increases in emissions. A number of state air pollution control agencies already regulate some existing emissions from this segment.[43] For example, in February 2014 Colorado adopted additional regulations for oil and natural gas production operations that include such requirements as expanding nonattainment area pneumatic control requirements statewide and reducing venting and flaring of gas streams at well sites, among other control strategies.[44] Colorado's proposed revisions indicate that operators could install flares and controls on existing, uncontrolled storage tank batteries with VOC emissions of 6 tons per year (tpy) or higher at an average cost effectiveness value of $716 per ton of VOC reduced, and could install flares on existing produced water storage tanks with VOC emissions of 6 tpy or higher at an average cost effectiveness value of $715 per ton of VOC reduced.[45] In addition, the regulations determined leak detection and repair monitoring to be cost effective at oil and natural gas production facilities. Some technologies may even provide the industry with cost savings due to recovered product. For example, the EPA's Natural Gas Star program estimates that adding a vapor recovery unit to a storage tank could pay for itself in 3 to 37 months, and thereafter result in cost savings.[46]

In view of the availability of cost-effective emission reductions, and the impact of these existing emission sources on air quality, we are requesting comment on whether to require emission controls for existing oil and natural gas production sources in Indian country to create a growth margin that will allow further development in the oil and natural gas production segment in a manner that is protective of the environment. We are concerned about the impact existing sources have already had on air quality in some areas of Indian country. The EPA seeks comment on whether, if the EPA were to promulgate a FIP, the FIP should impose control requirements on new and modified minor sources and minor modifications at major sources, as well as on existing sources. We also request comment on the specific emissions units we should include or exclude in such a proposed regulation addressing existing source emissions.

Some state air rules also contain setback requirements that ensure that new oil and natural gas production activities occur outside a set distance from certain types of structures, such as schools, hospitals or residential dwellings. We request comment on the concept of including a setback requirement in a FIP, as well as the distances we might consider for any such setback requirement, and on the type of structures for which a setback requirement might be appropriate.

Existing sources would not be addressed by a general permit or a permit by rule for oil and natural gas sources locating in Indian country because NSR general permits and permits by rule cannot apply to existing sources given that the EPA's authority under the CAA new source review provisions relates to new sources. If the EPA were to develop a general permit or a permit by rule rather than a FIP to manage emissions impacts in Indian country due to oil and natural gas production activities, then we request comment on how could we best ensure protection of the NAAQS.

C. Would a FIP or general permit apply uniformly or would the requirements vary depending on a source's location?

The EPA is also interested in receiving comments on the question of whether, if a FIP were promulgated or a general permit were issued, the FIP or general permit should apply uniformly across all of Indian country (including existing sources, regardless of whether they have undergone modifications) or whether the requirements should vary according to CAA designation status or based on other criteria.

In conjunction with considering whether we should regulate existing emissions units in a national FIP or general permit, we will consider whether we should create uniform standards that apply in all areas, or have the requirements vary in different oil

[42] A major source may also have certain recordkeeping/reporting obligations under the reasonable possibility provisions of the major source program.

[43] See, e.g., L. Gribovicz, WRAP, ''Analysis of States' and EPA Oil and Gas Air Emissions Control Requirements for Oil and Gas Emissions Control Requirements for Selected Basins in the Western United States (2013 Update),'' Nov. 8, 2013, available at *http://www.wrapair2.org/pdf/2013-11x_O&G%20Analysis%20(master%20w%20State%20Changes%2011-08).pdf.*

[44] See Colorado Dept. of Public Health and Environment, Air Quality Control Commission Web site at *http://www.colorado.gov/cs/Satellite/CDPHE-AQCC/CBON/1251647985820.*

[45] Colorado Dept. of Public Health and Environment, Air Quality Control Commission, ''Cost-Benefit Analysis Submitted Per § 24–4–103(2.5), C.R.S.,'' February 19, 2014, available at *ftp://ft.dphe.state.co.us/apc/aqcc/COST%20BENEFIT%20ANALYSIS%20%26%20EXHIBITS/CDPHE%20Cost-Benefit%20Analysis_Final.pdf.*

[46] See ''Lessons Learned from Natural Gas STAR Partners; Installing Vapor Recovery Units on Storage Tanks,'' available at *http://epa.gov/gasstar/documents/ll_final_vap.pdf* on the EPA's Natural Gas Star Web site: *http://epa.gov/gasstar/index.html.*

and natural gas basins or air quality control regions. If we were to vary the requirements depending on a source's location, we would consider the areas of Indian country for which it may be appropriate or necessary to regulate existing emissions units. Potential options for a national FIP or general permit include:

1. Uniform requirements across all areas of Indian country;
2. Uniform requirements only in nonattainment areas for a particular pollutant;
3. Uniform requirements in nonattainment areas and in certain attainment areas that are approaching nonattainment based on an area's design value(s);
4. Uniform requirements across oil and natural gas basins or air quality control regions that exceed a certain density of well pad sites;
5. Requirements that vary by basin based on air quality needs; or
6. Requirements that vary by basin based on information or requirements from surrounding states.

In considering these options, we would consider factors such as the resources and time necessary to develop and implement the standards, a desire to foster a ''level playing field'' between sources located in different areas, the availability and cost-effectiveness of various control technologies, and our existing knowledge related to air quality in different areas of Indian country.

In general, uniform standards that apply to all sources are less complex to establish and implement than requirements that vary. If, in a national FIP or general permit, we vary requirements in different oil and natural gas basins or air quality control regions, then the rule would likely take additional time to develop and implement. Compliance would be correspondingly delayed and emissions reduction benefits realized more slowly. Inconsistent regulations could also be more difficult and complicated for the regulated community to understand and comply with, especially for companies with operations in multiple areas. In comparison, the benefits from uniform standards could be realized sooner and the requirements could be more easily understood, but uniform standards would need to ensure a sufficient level of protection for all areas in which they would apply despite differences in air quality issues in different areas.

During the comment period for the Indian Country Minor NSR rule, we received comments suggesting that requiring a single set of controls for all minor sources across Indian country does not provide the needed flexibility to adapt regulations to the needs of individual areas of Indian country or take into account the benefit of a ''level playing field'' with surrounding areas. Conversely, other commenters expressed concern that if a federal program varies requirements across Indian country, then sources within certain areas of Indian country may be placed at a competitive disadvantage compared to sources located in other areas of Indian country. 76 FR 38748, 38760–61, July 1, 2011. For example, if we regulate existing units at a source by mirroring appropriate requirements found in surrounding state jurisdictions, then many emission units at a source in the same area may be subject to similar requirements, but sources in different areas of Indian country would be subject to different requirements because the requirements can vary from state to state. We request comment on the best manner for considering or reconciling these opposing views in the context of determining the manner, and the areas in which, we might regulate existing emissions units.

Using design values or attainment status to identify areas in need of enhanced environmental protection may yield results that are not equitable and/or fully protective of air quality, due to the scarcity of air monitoring in Indian country. For example, we might require more stringent controls in a tribal area designated as nonattainment, while an unmonitored unclassifiable/attainment area might be subject to lesser controls.

We request comment on whether and how it would be appropriate to use information from nearby states as a surrogate to address the lack of air quality monitoring data in neighboring areas of Indian country. This information could include actual air monitoring data, attainment status based on actual monitoring data, or even oil and natural gas regulatory provisions. Referencing state requirements as the basis for requirements in surrounding areas under Federal jurisdiction is not without precedent. In adopting requirements for sources locating on the Outer Continental Shelf, Congress amended the CAA to add section 328, which requires sources locating on the Outer Continental Shelf to comply with requirements that apply on nearby state land in some circumstances. We specifically request comments from tribal governing bodies on the appropriateness of using state information or regulations in this manner.

In sum, as we consider whether it is appropriate or necessary to reduce emissions from existing emissions units in the oil and natural gas production segment to balance new source growth with environmental protection, we must also consider the appropriate scope of those requirements in terms of the areas in which the requirements apply, the stringency of the requirements, and the manner in which we might apply them. We request comment on all aspects of this issue.

D. What applicability threshold should apply if we regulate existing sources, and should we create exemptions?

If we regulate existing sources, then we would specify an applicability threshold to identify which sources are subject to control requirements. In the NSR permitting program, we distinguish applicability of regulations to sources based on whether they are ''major'' versus ''minor.'' For example, under the provisions of the PSD program, an oil and natural gas source located in an ozone attainment or unclassifiable area would be a major source if it emits or has the potential to emit (PTE) 250 tpy of any regulated pollutant. Sources that are ''major'' are subject to permitting and emissions control requirements, among other requirements. Certain minor sources are subject to only recordkeeping requirements. Under the provisions of the Indian Country Minor NSR permitting program, an oil and natural gas source located in an ozone unclassifiable/attainment or unclassifiable area would be a minor source if it emits or has the PTE below 250 tpy of all regulated pollutants, but VOC or NO_X above the minor source regulatory thresholds for these pollutants. *See* 40 CFR 49.153. Minor sources and major sources undergoing minor modifications must comply with the provisions of the Indian Country Minor NSR permitting program, while sources with a PTE that is less than the regulatory threshold are exempt from the rule.

In regulating emissions from existing emission units at a source, we could incorporate these commonly understood regulatory thresholds in a number of ways. We could apply requirements to only existing major sources, as defined under the NSR program. Alternatively, we could apply the requirements to both major and minor existing sources. If we apply requirements to both minor and major sources, then we would have to determine whether the regulations would regulate these sources equally, or whether we would establish different requirements based on the size of the source. We request comment on whether following a traditional applicability approach that would make a distinction between ''major'' or ''minor'' source is a desirable way to

manage air quality from oil and natural gas production sources in Indian country and, if so, then at which existing sources should we impose control requirements. We also seek comment on what specific pieces of oil and natural gas production equipment should be regulated, and how and to what degree.

In considering this issue, it is prudent to take into account the potential air quality impacts from oil and natural gas production activities. As explained in Section IV.B., the oil and natural gas production industry is comprised of numerous, geographically dispersed emissions points. The contribution of any individual emission point to the total emissions inventory may be comparatively small. But, collectively, the cumulative emissions of numerous existing emissions points could exceed that of large, new major sources, and result in adverse air quality impacts. If we were to regulate emissions only from existing major sources, then we would be ignoring the cumulative air quality impacts from existing minor sources. Regulating existing emissions units at both major and minor sources (or at some lower level) would afford the greatest level of environmental protection and, if sufficiently controlled, would create more room for growth.

Another consideration relates to the complexity of making stationary source determinations. Determining whether one or more emissions points are part of the same stationary source can require an owner or operator, as well as the permitting authority, to undertake an in-depth analysis of the inter-relationships between two or more emissions points.[47] It is not uncommon for disputes to arise regarding the boundaries of a stationary source, whether the source qualifies as a ''minor'' or ''major'' source, and where a source's actual or potential emissions stand with respect to the minor source PTE thresholds.

Rather than following traditional permitting tons per year applicability thresholds in determining what sources to regulate and how to regulate them, we could identify cost-effective emissions reduction strategies and apply these requirements regardless of the cumulative total emissions from any given stationary source. Nevertheless, sources that are subject to major source NSR and/or Title V would still need to comply with those requirements. By applying emissions reduction measures without regard to cumulative emissions from each source, we could ensure that all existing sources meet cost-effective emissions reduction requirements, and avoid potential disputes related to stationary source boundaries. We request comment on using such an approach for establishing emission control requirements for existing sources, in lieu of following a traditional approach that distinguishes sources based on their size. Such an approach would be consistent with control requirements established in the majority of New Source Performance Standards (NSPS) and could incorporate unit specific size thresholds.

We are also seeking comment on whether we should include certain exemptions within the applicability provisions of any potential FIP to prevent regulatory redundancy. For example, should we exempt any emissions producing activity or emissions unit at a source that might otherwise be required to comply with requirements in a FIP, if we already require control of emissions from that activity or emissions unit under a Federal NSPS or a National Emissions Standard for Hazardous Air Pollutants (NESHAP) (77 FR 49490, Aug. 16, 2012) that has either the goal or effect of reducing criteria pollutant emissions? The Oil and Gas Sector NSPS and NESHAP apply nationally, including in Indian country, but the requirements in a FIP could go beyond those in the NSPS or NESHAP, if it is deemed necessary. This is similar to the approach in minor source NSR programs in some states.

Another question we would consider is whether we should exempt existing emissions units at a source that obtained a major NSR permit within some recent time period if they are complying with BACT or LAER for a particular pollutant. If so, then how far in the past should we recognize BACT or LAER requirements? Are there other regulatory provisions with which oil and natural gas sources must comply that we should consider when crafting the applicability provisions of a potential oil and natural gas FIP? We note that if we create such exemptions, it would minimize the possibility of creating conflicting provisions, although we could potentially require that the more stringent provisions would apply where a conflict occurs. On the other hand, it could result in emission units at different sources being subject to requirements that are not of equal stringency. We request comment on this issue.

Finally, based on our experience with the Fort Berthold FIP, there may be numerous sources that would be major based on their PTE, but whose actual emissions are below the major source threshold. We are requesting comment on whether a FIP should address these sources, and how that might be accomplished.

E. Which pollutants would we regulate?

Sources in the oil and natural gas production segment emit a number of different air pollutants. Section IV. provides a general overview of the exploratory and production processes and their associated emissions. To function as an appropriate substitute for the minor NSR permitting program, an oil and natural gas FIP or general permit would need to regulate emissions of all ''regulated NSR pollutants'' from minor sources that construct, or major or minor sources that undertake a minor modification. This would mean that an oil and natural gas FIP or general permit could regulate all criteria pollutants and all PSD pollutants emitted or potentially emitted by activities at minor sources that would construct, or minor or major sources that would undertake a minor modification. We are not aware of an advantage to regulating only a portion of the regulated NSR pollutants through a FIP or general permit and allowing other pollutants to remain subject to site-specific permitting through the Indian Country Minor NSR rule. If we do not regulate all pollutants under a FIP or general permit, then we would continue to require sources to obtain minor NSR permits for the pollutants not covered by the FIP or general permit through the minor NSR permitting program.

Based on existing air quality information, including area designations, which indicates that attainment of the 2008 8-hour ozone NAAQS may pose the biggest concern from the expansion of the oil and natural gas production segment, the pollutants of interest include NO_X and VOC. Because our objective in regulating existing emissions units would be to address emerging ozone concerns and provide for economic growth in Indian country in a manner that avoids such degradation, we might consider only regulating emissions related to ozone. We request comment on which criteria pollutants and/or precursors should be regulated for oil and natural gas sources in Indian country.

[47] The exact nature of the analysis required and the specific sources of emissions that must undertake that analysis has been a topic of recent litigation. See *Summit Petroleum* v. *EPA,* 690 F.3d 733 (6th Cir. 2012) and *National Environmental Development Association's Clean Air Project* v. *EPA,* No. 13.1035 (D.C. Cir.). To the extent the source determination requirements change as a result of this litigation, either as a general matter or with specific regard to application to oil and gas emissions, EPA will address those changes in future actions related to this ANPR.

F. How would we determine the appropriate control requirements for new and modified sources and existing sources?

The EPA seeks input on the types of emission control requirements that would be appropriate for new and modified minor sources and minor modifications at major sources. The EPA also seeks input on the types of emission control requirements that would be appropriate for existing sources, if we were to propose a FIP for new sources as well as for existing sources.

The Indian Country Minor NSR rule requires a reviewing authority to undertake a case-specific control technology review to determine the appropriate level of emissions control for a new or modified emission unit. As part of that control technology review, the reviewing authority considers local air quality needs, typical control technology used by similar sources in surrounding areas, anticipated economic growth in the area, and cost-effective control alternatives (76 FR 38760, July 1, 2011). If we establish a uniform set of control technology requirements for new, modified and existing sources under an oil and natural gas production FIP, then we envision undertaking a similar, but not identical, control technology review to establish the requirements. Specifically, we envision that we would develop a list of potential control technology options by reviewing requirements that are currently applicable or under consideration by state and local air pollution agencies. We also might consider requirements in the FIP that applies to the Fort Berthold Indian Reservation (78 FR 17836, March 22, 2013), performance standards (including work practice standards) in NSPS regulations, and recommendations in control techniques guidelines (CTG), alternative control techniques (ACT), and in the EPA's Natural Gas Star program. We may also consult other sources of outside information. We request comment on specific relevant sources of information.

In evaluating the relative merits of various potential control technology options, we would follow a process that considers factors used in the EPA's BACT approach of weighing energy, environmental, and economic impacts, and other costs; however, we would not be bound to selecting controls based on the maximum achievable level of control, but instead could consider the degree of enhanced protection appropriate or necessary on a nationwide basis. If we tailor requirements to the needs of individual air basins or air quality control regions, then we may follow a similar approach for identifying control technology options in a FIP or general permit, or look to mirror requirements applying in surrounding states.

We request comment on these approaches for establishing emissions control requirements in a FIP or general permit. We specifically seek comment on whether any particular state regulation could serve as a good model for constructing requirements that would apply in a specific area, or on a nationwide basis.

G. Should we require sources to install and collect data from ambient air quality monitors?

As discussed in Section IV.B., our understanding of the oil and natural gas sector's impact on ambient air quality in Indian country is incomplete at this time given the absence of ambient air quality monitoring sites in many areas of Indian country. At the same time, with the prospect of continued significant growth in emissions from the oil and natural gas sector, it may be necessary or appropriate to impose emissions control requirements on existing emissions units. More detailed information on the air quality in a region would help us better understand whether emission reductions from existing sources are necessary or appropriate to accommodate emissions growth while still protecting public health.

We seek comment on whether and how we might use our CAA section 114 or other CAA authority to require oil and natural gas sources in Indian country to install and operate ambient air monitors. For example, should we require emission controls on existing oil and natural gas sources in all areas of Indian country unless ambient air quality monitors demonstrate that there is not a need for such requirements? In lieu of including specific ambient monitoring requirements, we seek comment on whether and how we might encourage sources to voluntarily install and maintain air quality monitors that meet Federal reference monitoring (FRM) requirements.

H. Next Generation Compliance

Enforcing regulatory requirements imposed on the oil and natural gas production segment in Indian country poses unique challenges for regulators. In states, sources face compliance oversight by both Federal and state regulators. While tribes and the Federal government are actively building tribal capacity to accept delegation of implementation programs, this capacity is still developing in many areas. Consequently, EPA Regional Office personnel may provide the sole resource for compliance oversight, and they will likely face resource challenges with regard to enforcement.

The nature of the oil and natural gas production segment in Indian country compounds this potential problem. The industry includes numerous, geographically dispersed pollutant-emitting activities. Unlike a power plant, for example, that emits large amounts of criteria pollutants from a few, specific, well-defined emission points (i.e., smoke stacks), the oil and natural gas production segment may produce emissions from multiple, diverse, geographically-dispersed sources in relatively lower amounts. Collectively, however, these smaller sources can have adverse air impacts. But, the sheer numbers of well pads and the nature of the pollutant-emitting activities pose challenges for developing a strategically effective enforcement program for Indian country. We may not be able to rely on the traditional single-facility inspection and enforcement approach to ensure widespread compliance. Accordingly, we are requesting comment on ways the EPA can use Next Generation Compliance methods to promote compliance with a FIP, general permit, or other approach such as a permit by rule.

Next Generation Compliance is a multi-facet concept that encompasses (1) Using advances in emissions monitoring and information technology to readily detect violations and allow rapid corrective action by regulated entities or regulators; (2) using electronic reporting (e-reporting) systems to provide more timely and transparent emissions information to regulators and the public; and (3) building compliance management and incentive programs within regulations to promote compliance. Through Next Generation Compliance, the EPA can leverage motivational factors, market forces, technologies, and public accountability to drive higher compliance rates.

We are interested in gaining feedback on existing or emerging monitoring and information technologies that can be used by the oil and natural gas production segment to promote compliance. For example, would infrared monitoring systems provide a cost effective method for either detecting fugitive emissions at remote well pads, or hidden mechanical or electrical problems that could lead to process-upset emissions events? Are there any monitoring systems used by

the industry to comply with Occupational Safety and Health Act regulations and other safety laws (e.g. photoionization detectors) that might be used in tandem with protocols under a FIP or general permit to ensure compliance? Are there any process-based monitoring systems already in use by the industry that could serve as an effective predictive or surrogate monitoring system in lieu of monitoring emissions directly? Are any immediate feedback technologies available or emerging that would provide the operator with real time measures of, or information on, their compliance status?

With regard to advances in reporting and transparency, we would intend to make e-reporting the default method of reporting information under a future permitting program for oil and natural gas production sources in Indian country. E-reporting is a standardized, internet-based, electronic reporting system. E-reporting reduces the cost of complying with reporting requirements compared to paper reporting systems. Also, with e-reporting, the EPA and public gain more timely access to compliance information and industry perceives a greater incentive to comply, because data are more readily available and transparent to the public. Although we would intend to rely on e-reporting as the default reporting method in a future permitting program for the oil and natural gas production segment in Indian country, we request comment on whether the segment faces any unique challenges that we should consider relative to the type of information collected, the frequency of collection, or the database system used to store information.

We also request comment on the feasibility of using third-party compliance verification as a means for demonstrating compliance. Third-party compliance verification relies on a party external to a facility,[48] such as a private auditor or inspector, to verify and report a facility's compliance status. Third-party compliance verification can enhance accountability, improve compliance, and produce more and better compliance data.

A successful third-party compliance system relies on the availability of competent and independent third parties. This means that the person conducting the compliance verification possesses the technical expertise and professional judgement to properly verify compliance. For purposes of an oil and natural gas FIP or general permit, what minimum level of education, experience, or training is appropriate? Should we require third parties to meet certain accreditation standards, and/or meet a minimum set of requirements to demonstrate independence? For example, the Food and Drug Administration (FDA) specifies requirements for independence and lack of a financial conflict of interest for persons carrying out section 510(k) of the FDA Modernization Act of 1997.[49] Other requirements we could consider might be prohibiting the auditor from consulting with the clients on corrective actions to ensure financial independence; assigning verifiers to facilities randomly rather than allowing a company to select their verifier; limiting the number of occasions a company can rely on the same verifier; and barring the company from hiring a verifier for an established waiting period.

One criticism that people have regarding third-party verification programs is that outside parties lack the specialized knowledge and understanding of standard business practices for a particular organization to most effectively audit company records. One recommendation that flows from this complaint is that companies that use an internal audit system in conjunction with an ISO 14001 environmental management system should be permitted to rely on their internal, but sufficiently independent, auditing departments. Because of familiarity with standard business practices, internal auditors may have a higher level of understanding of the business' activities and, therefore, be able to conduct more thorough audits then external auditors. We request comment on the use of independent internal audit systems for compliance verification. Should the EPA allow such an approach for compliance with a future permitting program for oil and natural gas sources in Indian country? If so, then what measures should the EPA impose to ensure an absence of a conflict of interest? Should a company be required to rely on an external third party for some demonstration period, after which a company could transition to an internal auditing department?

We request comment on all aspects of using an independent compliance verification system to enhance and promote compliance. We specifically request comment on the issues we raise above, and on whether such a system should be mandatory for all sources regulated under a potential FIP, general permit, or other approach, or only for those who choose a flexible, alternative method of compliance.

In addition to the use of an independent compliance verification system, we request comment on two compliance incentive programs: (1) An automatic, pre-set penalty system, and (2) use of modified monitoring, recordkeeping and/or reporting requirements. With an automatic, pre-set penalty system, the regulation could specify a set monetary penalty for certain non-compliance events. This penalty would be payable upon disclosure of an excess emissions event without notice or issuance of a demand for payment. The sum of the penalty could vary based on whether non-compliance was self-disclosed, disclosed by a third-party auditor, or discovered by EPA enforcement. Importantly, we would design an automatic penalty provision to encourage compliance by making the path to compliance easier than non-compliance. For example, the EPA's Acid Rain Program assesses an excess emissions penalty set at $2,000/ton (adjusted annually for inflation). This penalty exceeds the cost of complying with the program and serves as an effective deterrent against non-compliance.[50]

A modified monitoring, recordkeeping and reporting program would reward facilities for demonstrating a continued commitment to compliance by adjusting the frequency or type of monitoring, recordkeeping and reporting that is required based on the particular facility's compliance record. It may also incorporate substitute emission data requirements that become increasingly more conservative when the facility experiences repeated data collection failures. This provides an incentive for operators to properly maintain and operate monitoring systems.

In sum, we request comment on any manner in which the Agency can use

[48] ''External to the facility'' means that the party is neither the regulated entity nor a customer, supplier or purchaser of the facility's goods or services.

[49] See U.S. Dept. of Health and Human Services, Food and Drug Admin., ''Implementation of Third Party Programs under the FDA Modernization Act of 1997: Final Guidance for Staff, Industry and Third Parties,'' Feb. 2, 2001, available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm094450.htm.*

[50] For example, in 2004, four sources were assessed a penalty of approximately $1.4 million for excess SO_2 emissions. These sources would have spent only $139,500 to comply with the program. See J. Schakenbach, R. Vollaro and R. Forte, U.S. EPA, Office of Atmospheric Programs, ''Fundamentals of Successful Monitoring, Reporting, and Verification under a Cap-and-Trade Program,'' Journal of the Air & Waste Management Assoc., vol 56, p 1576, Nov. 2006, available at *http://www.epa.gov/airmarkets/cap-trade/docs/fundamentals.pdf.*

principles of Next Generation Compliance to promote higher rates of compliance with requirements we may include in a FIP, general permit, or other permitting approach for oil and natural gas production sources located in Indian country. Our objective is to promote high rates of compliance through cost-effective, incentive-based approaches that capitalize on existing systems used by the industry, and that ensure the availability and transparency of compliance information to the public and the EPA.

VIII. Statutory and Executive Order Reviews

Under Executive Order 12866 *Regulatory Planning and Review* (58 FR 51735, October 4, 1993) and Executive Order 13563 *Improving Regulation and Regulatory Review* (76 FR 3821, January 21, 2011), this is not a ''significant regulatory action.'' Because this action does not propose or impose any requirements, the various statutes and Executive Orders that normally apply to rulemaking do not apply. Should the EPA subsequently determine to pursue a rulemaking, the EPA will address the statutes and Executive Orders as applicable to that rulemaking.

Because this document does not impose or propose any requirements, and instead seeks comments and suggestions for the Agency to consider in possibly developing a subsequent proposed rule, the various other review requirements that apply when an agency imposes requirements do not apply to this action.

The EPA seeks any comments or information that would help the Agency ultimately to assess the potential impact of a rule on small entities pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*); to consider voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note); to consider environmental health or safety effects on children pursuant to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or to consider human health or environmental effects on minority or low-income populations pursuant to Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

The Agency will consider such comments during the development of any subsequent proposed rule.

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Indians-law, Indians-tribal government, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 22, 2014.

Gina McCarthy,

Administrator.

[FR Doc. 2014–12951 Filed 6–4–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 190

[EPA–HQ–OAR–2013–0689; FRL 9911–65–OAR]

RIN 2060–AR12

Environmental Radiation Protection Standards for Nuclear Power Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency is announcing an extension of the public comment period for the Advance Notice of Proposed Rulemaking (ANPR) requesting public comment and information on potential approaches to updating the EPA's ''Environmental Radiation Protection Standards for Nuclear Power Operations''. The EPA published the ANPR on February 4, 2014 in the **Federal Register**, which included a request for comments on or before June 4, 2014. The purpose of this action is to extend the public comment period an additional 60 days.

DATES: The comment period for the advanced notice of proposed rulemaking published on February 4, 2014 (79 FR 6509), is extended. Written comments must be received on or before August 3, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0689, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–9744.
- *Mail:* U.S. Postal Service, send comments to: EPA Docket Center, Environmental Radiation Protection Standards for Nuclear Power Operations—Advance Notice of Proposed Rulemaking Docket, Docket ID No. EPA–HQ–OAR–2013–0689, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies.

Hand Delivery: In person or by courier, deliver comments to: EPA Docket Center, Environmental Radiation Protection Standards for Nuclear Power Operations—Advance Notice of Proposed Rulemaking Docket, Docket ID No. EPA–HQ–OAR–2013–0689, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0689. The Agency's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly

available, e.g., CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Brian Littleton, EPA Office of Radiation and Indoor Air, (202) 343–9216, *littleton.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

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

1. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number, subject heading, **Federal Register** date and page number.
- Follow directions—the EPA may ask you to respond to specific questions or organize comments by referencing the chapter number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow it to be reproduced.
- Illustrate your concerns with specific examples and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

B. How can I get copies of this document, the proposed rule and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2013–0689. The EPA has also developed a Web site for the ANPR at: *www.epa.gov/radiation/laws/190.* Please refer to the original **Federal Register** notification on the ANPR for detailed information on accessing information related to the notificaiton.

In response to requests for an extension, we are extending the public comment period for this ANPR through August 3, 2014. This extension will provide the public additional time to provide comment on updating this standard.

Dated: May 27, 2014.

Janet G. McCabe,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2014–12953 Filed 6–4–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 212, 237, and 252

RIN 0750–AI24

Defense Federal Acquisition Regulation Supplement: Service Contract Reporting (DFARS Case 2012–D051)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2008. The rule proposes to require contractors to annually report, using an online DoD database, service contract data at the end of the Government fiscal year or at the end of contract performance, whichever comes first.

DATES: *Comment Date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before August 4, 2014, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2012–D051, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2012–D051'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2012–D051.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2012–D051'' on your attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2012–D051 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Janetta Brewer, Defense Acquisition Regulations System, OUSD (AT&L) DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6104.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to revise the DFARS to implement section 807 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, Public Law 110–181 (10 U.S.C. 2330a), which requires the Secretary of Defense to submit to Congress an annual inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of the DoD, to include direct labor hours and cost data collected from contractors.

II. Discussion

This rule proposes to require contractors to report service contract direct labor and corresponding dollar value data for prime contractors and subcontractors in the Enterprise-wide Contractor Manpower Reporting Application (ECMRA) database annually or at the end of contract performance, whichever comes first. Data collected via the ECMRA database will enable DoD to identify and track the services provided by contractors and comply with section 807 of the NDAA for FY 2008.

The rule proposes to amend DFARS parts 212, 237, and 252 as follows:

- At DFARS 212.301, the proposed DFARS clause 252.237–70XX, Service Contract Reporting Requirements, is added to apply to solicitations and contracts for the acquisition of commercial items.
- At DFARS 237.17X, a new section is added that provides the scope and applicability of the DoD service contract

reporting requirement. Additionally, the contracting officer's or contracting officer's representative's duties for ensuring and documenting compliance are outlined. The reporting requirements contained in the proposed rule apply to all solicitations, contracts, and task and delivery orders, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items if the acquisition is for the provision of (1) services with a total estimated value exceeding the simplified acquisition threshold, or (2) supplies that contain separate line items for services with a total estimated value exceeding the simplified acquisition threshold. Exceptions are provided for construction of structures and facilities, lease/rental of equipment or facilities, utilities, freight and shipping, and classified services.

• A new clause is added, 252.237–XX, Service Contract Reporting Requirements, which contains the DoD service contract reporting requirement. Data subject to this clause must be entered into the ECMRA database no later than October 31st each year or at the end of the contract performance period, whichever comes first. Contractors are required to include the substance of the clause in subcontracts that may include services.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the data collection requirement has been tailored to maximize the use of existing records already maintained by contractors. However, an Initial Regulatory Flexibility Act analysis has been prepared and is summarized as follows:

This DFARS case was initiated to implement the contractual reporting requirements that originate from Title 10, United States Code (U.S.C.), section 2330a titled *Procurement of Services: Tracking of Purchases.* Section 2330a requires the Secretary of Defense to submit to Congress, no later than June 30th of each fiscal year, an annual inventory of service contracts performed during the preceding fiscal year.

This rule establishes the contractual requirement for contractors to report manpower data for prime contractors and subcontractors for each purchase of services in excess of the simplified acquisition threshold on an annual basis or at the end of contract performance, whichever comes first. To streamline reporting, the rule incorporates the use of a DoD-developed software application, Enterprise-wide Contractor Manpower Reporting Application (ECMRA). The rule exempts the following from reporting:

—Construction of structures and facilities.
—Lease and rentals of equipment or facilities.
—Utilities.
—Freight and shipping.
—Classified services.

DoD will use the reported manpower data to fulfill its statutory reporting requirement to Congress pursuant to 10 U.S.C. 2330a. Access to this data will provide DoD with the ability to identify and report the inventory of contractor full-time equivalent direct labor and associated costs for service contract actions. As an adjunct, the information will support DoD's total force management and in making strategic workforce planning decisions pursuant to 10 U.S.C. 129a. The information will also enable DoD to comply with 10 U.S.C. 235. The information collection stemming from DFARS clause, 252.237–70XX, Service Contract Reporting Requirements, requires contractors to enter manpower reporting data into ECMRA. The contractor data entry includes contract and order details, such as location of services including product service codes, and direct labor hours and dollars invoiced amounts for each reportable contract action.

The reporting requirement applies to all classes of small business concerns with DoD contracts or subcontracts that contain service requirements that exceed the simplified acquisition threshold. Based on a review of Fiscal Year 2013 data from the Federal Procurement Data System (FPDS), it is estimated that the total number of small businesses that will be impacted by this rule is 7,962. This requirement is not expected to impose a significant economic burden on small business concerns.

The burden applied to small businesses is the minimum consistent with applicable laws, Executive Orders, regulations and prudent business practices. The information collection requirement has been refined to maximize the use of existing records already maintained by contractors and by the Government. To further minimize the impact, the information will be collected electronically, help-desk support will be provided to users, and reporting requirements will be limited to a small number of easy-to-obtain data elements. The ECMRA database makes maximum use of drop-down menus and pre-populated data fields. For example, award information such as whether the contract or order is performance based, the extent of competition, or award made to a small business, contract funding and organization information will be pre-populated by the COR. No additional alternatives were identified that would that would reduce impact on small business and still accomplish the objectives of the statute and the policies.

DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2012–D051), in correspondence.

V. Paperwork Reduction Act

The rule contains information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35). Accordingly, DoD has submitted a request for approval of a new information collection requirement concerning DFARS Case 2012–D051, DoD Service Contract Reporting Requirements, to the Office of Management and Budget. Once cleared by OMB, the information collection associated with DFARS Case 2012–D051 will supersede OMB Control Number 0704–0491 titled *DoD Inventory of Contracts for Services Compliance,* which expires on May 31, 2015, and which is not associated with rulemaking.

A. Public reporting burden for this collection of information is estimated to average 1.4 hours per response,

including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden estimated as follows:

Respondents: 13,269.

Responses per respondent: approximately 4.1.

Total annual responses: 54,234.

Average hours per response: 1.4 hours.

Total response Burden Hours: 76,141.

B. Request for Comments Regarding Paperwork Burden. Written comments and recommendations on the proposed information collection, including suggestions for reducing this burden, 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, or email *Jasmeet_K._Seehra@omb.eop.gov,* with a copy to the Defense Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Comments can be received from 30 to 60 days after the date of this notice, but comments to OMB will be most useful if received by OMB within 30 days after the date of this notice.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the DFARS, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

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 Acquisition Regulations System, Attn: Ms. Janetta Brewer, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060, or email *osd.dfars@mail.mil.* Include DFARS Case 2012–D051 in the subject line of the message.

List of Subjects in 48 CFR Parts 212, 237, and 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 212, 237, and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 212, 237, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 2. Section 212.301 is amended by—

■ a. Redesignating paragraphs (f)(lvii) through (lxx) as (f)(lviii) through (lxxi); and

■ b. Adding a new paragraph (f)(lvii) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(lvii) Use the clause at 252.237–70XX, Service Contract Reporting Requirements, as prescribed in 237.17X–5.

* * * * *

PART 237—SERVICE CONTRACTING

■ 3. Amend subpart 237.1 by adding section 237.17X to read as follows:

* * * * *

237.17X Service contract reporting.

237.17X–1 Scope.

This section implements section 807 of the National Defense Authorization Act for Fiscal Year 2008, Public Law 110–181 (10 U.S.C. 2330a), which requires the Secretary of Defense to annually report to Congress an inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of the DoD.

237.17X–2 Applicability.

(a) Except as identified in paragraph (b), this section applies to service contracts and orders with a total estimated value exceeding the simplified acquisition threshold, and supply contracts and orders with separate line items for services with a total estimated value exceeding the simplified acquisition threshold.

(b) This section does not apply to separate line items in contracts and orders for—

(1) Construction of structures and facilities (product or service code (PSC) Group Y);

(2) Lease/rental of equipment or facilities (PSC Groups W and X);

(3) Utilities (PSC Group S1);

(4) Freight and shipping (PSC Groups V0, V1, and V2); and

(5) Classified services.

237.17X–3 Service contract reporting requirements.

(a) The contracting officer's representative (COR), when appointed, or the contracting officer, if no COR is appointed, is responsible for ensuring the contractor has completed the reporting requirement in the clause at 252.237–70XX. Contracting officers shall verify that the contractor's ECMRA compliance is documented.

(b) *Waiver.* (1) The contracting officer shall prepare a determination and findings when data required to comply with the clause at 252.237–70XX cannot reasonably be made available in a timely manner. The determination and findings shall be approved at one level above the contracting officer.

(2) Upon approval, the contracting officer shall notify the requiring activity and the contractor.

237.17X–4 Contract clause.

Use the clause at 252.237–70XX, Service Contract Reporting Requirements, in solicitations, contracts, and task or delivery orders, including those using FAR part 12 procedures for the acquisition of commercial items, if—

(a) The acquisition is for the provision of services with a total estimated value exceeding the simplified acquisition threshold; or

(b) The acquisition is for the provision of supplies that contain separate line items for services with a total estimated value exceeding the simplified acquisition threshold.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. Add section 252.237–70XX to read as follows:

252.237–70XX Service Contract Reporting Requirements.

As prescribed in 237.17X–5, use the following clause, and if not all line items are covered, indicate in the Schedule which line items are covered by the clause:

SERVICE CONTRACT REPORTING REQUIREMENTS (DATE)

(a) Except as provided in paragraph (c) of this clause, the Contractor shall—

(1) Report all required prime contract and subcontract data, or require any subcontractors to report separately, using the Enterprise-wide Contractor Manpower Reporting Application (ECMRA) database, and

(2) Enter data for all line items subject to this clause into the ECMRA at the end of each Government fiscal year and not later than October 31 or at the end of the contract performance period, whichever comes first.

(b) Information regarding ECMRA is available on the Internet at *http://www.ecmra.mil.*

(c) The Contractor may request a waiver if the data required to comply with the clause cannot reasonably be made available in a timely manner. See Defense Federal Acquisition Regulation Supplement 237.17X–3.

(d) *Subcontractor information.* The Contractor shall include the substance of this clause, including this paragraph (c), in subcontracts that may include services.

(End of clause)

[FR Doc. 2014–12810 Filed 6–4–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

RIN 0648–BD48

Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Gulf of Alaska Non-Pollock Trawl Fishery; Amendment 97

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

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: The North Pacific Fishery Management Council has submitted Amendment 97 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). If approved, Amendment 97 would limit Chinook salmon prohibited species catch (PSC) in the Western and Central Gulf of Alaska (GOA) non-pollock trawl fisheries. This action would establish separate Chinook salmon PSC annual limits for the non-pollock trawl catcher vessel (CV) and catcher/processor (C/P) sectors and a seasonal limit for the C/P sector. The CV sector PSC limit would be further divided between vessels participating in the Central GOA Rockfish Program and vessels not participating in the Central GOA Rockfish Program. If a sector reached its seasonal or annual Chinook salmon PSC limit, NMFS would prohibit further directed fishing for non-pollock groundfish by vessels in that sector for the remainder of the season or fishing year. This proposed action would also establish salmon retention and discard requirements for vessels, shoreside processors and stationary floating processors participating in the non-pollock groundfish fisheries. The combination of these retention requirements will enable accurate reporting of salmon in eLandings at the processor. Salmon accounting at a processor may assist the industry in tracking and cooperatively managing its Chinook salmon PSC. This action is necessary to minimize the catch of Chinook salmon to the extent practicable in the Western and Central GOA non-pollock trawl fisheries. Amendment 97 is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and other applicable laws.

DATES: Comments on the amendment must be received on or before August 4, 2014.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2013–0077 by either of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0077*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (collectively, Analysis) prepared for this action are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jeff Hartman, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The MSA also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public review and comment. This notice announces that proposed Amendment 97 to the FMP is available for public review and comment.

The groundfish fisheries in the exclusive economic zone of the GOA are managed under the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under the MSA. Amendment 97 would apply Chinook salmon PSC limits to Federally-permitted vessels fishing for groundfish other than pollock with trawl gear (non-pollock trawl fisheries) in the Western and Central Reporting Areas of the Gulf of Alaska (Western and Central GOA). The Western and Central Reporting Areas, defined at § 679.2 and shown in Figure 3 to 50 CFR part 679, consist of the Western and Central Regulatory Areas in the exclusive economic zone (Statistical Areas 610, 620, and 630) and the adjacent waters of the State of Alaska (0 to 3 nm).

If approved, Amendment 97 would: (1) Establish annual Chinook salmon PSC limits for the Trawl C/P, Rockfish Program CV, and Non-Rockfish Program CV Sectors; (2) establish an ''incentive buffer'' for the Trawl C/P and Non-Rockfish Program CV Sectors that would allow each sector to increase its annual Chinook salmon PSC limit if the amount of Chinook salmon PSC taken in the sector in the previous year was less than a specified amount of the sector's limit; (3) establish a seasonal limit on the amount of Chinook salmon PSC that could be taken in the Trawl C/P Sector

prior to June 1 of each year; (4) allow the reallocation of unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year; and (5) establish salmon retention requirements to ensure adequate accounting of Chinook salmon PSC, and to improve the collection of biological samples that could aid in the determination of stock of origin of Chinook salmon PSC in the non-pollock trawl fisheries.

From 1997 through 2013, the non-pollock trawl fisheries accounted for approximately 27 percent of the total trawl fishery Chinook salmon PSC in the Western and Central GOA groundfish fisheries. Chinook salmon PSC taken in the pollock trawl fisheries accounts for the remaining Chinook salmon incidental catch in this area. A previous action, Amendment 93 to the FMP, was approved by the Council in June 2011 to limit Chinook salmon PSC in the Western and Central GOA pollock trawl fisheries. NMFS approved Amendment 93 and issued a final rule to implement it on July 20, 2012 (77 FR 42629). Because the Western and Central GOA non-pollock trawl fisheries contribute to Chinook salmon PSC and are currently the only trawl fisheries without a Chinook salmon PSC limit, the Council recommended that Chinook salmon PSC limits should be extended to these fisheries. Amendment 97 would establish GOA Chinook salmon PSC limits for these non-pollock trawl fisheries to prevent high levels of bycatch of this culturally and economically important species in the fishery, and to minimize the catch of Chinook salmon to the extent practicable in the GOA non-pollock trawl fisheries.

The Council proposed to minimize Chinook salmon bycatch to the extent practicable by recommending that Chinook salmon PSC not exceed a long-term annual average of 7,500 Chinook salmon and establishing Chinook salmon PSC limits for the three non-pollock trawl fishery sectors in the Western and Central GOA as follows:

- Rockfish Program CV Sector: 1,200 Chinook salmon.
- Non-Rockfish Program CV Sector: 2,700 Chinook salmon.
- Trawl C/P Sector: 3,600 Chinook salmon.

The Council recommended the Chinook salmon PSC limits primarily because the Analysis showed that they would result in substantial PSC savings, while allowing for catch of the available non-pollock groundfish TACs in most years (see **ADDRESSES**).

Amendment 97 would establish an incentive buffer for the Trawl C/P and Non-Rockfish Program CV Sectors. The incentive buffer would allow each sector to increase its annual Chinook salmon PSC limit if the amount of Chinook salmon PSC taken by the sector in the previous year was less than a specified amount of the sector's limit. This provision is termed an ''incentive buffer'' because it provides an incentive for participants in the Trawl C/P and Non-Rockfish Program CV Sectors to minimize PSC below their allocations, 3,600 and 2,700 Chinook salmon respectively, during a year to provide additional Chinook salmon PSC in the following year. This mechanism is intended to provide an incentive to reduce Chinook salmon bycatch in most years in order to receive a slightly higher PSC limit for the following year, which would be useful in an unusual year of salmon migration patterns or unanticipated higher abundance that makes it difficult to avoid Chinook salmon PSC by trawl vessels.

Amendment 97 would allow the reallocation of unused Chinook salmon PSC from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector on October 1 and November 15 of each year. An annual reallocation of all but 150 Chinook salmon from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector would occur on October 1 of each year; any remaining Chinook salmon PSC in the Rockfish Program CV Sector's apportionment would be reallocated to the Non-Rockfish Program CV Sector by November 15 of each year. This reallocation of unused PSC would provide some additional harvest opportunity to the Non-Rockfish Program CV Sector, depending on the amount reallocated. The Council selected this alternative to provide additional Chinook salmon PSC to address unanticipated events of high PSC encounters, for which the Non-Rockfish Program CVs would generally be unable to mitigate before reaching their PSC limit. The Non-Rockfish Program CV Sector does not operate under authority of the Rockfish Program and is not as likely to be able to voluntarily control or organize fleet behavior to adjust fishing patterns for avoiding Chinook salmon PSC. This reallocation would accommodate the demonstrated ability of the Rockfish Program CV Sector to catch small amounts of Chinook salmon PSC in the fall and manage small PSC balances during a season. In some years, reallocation provisions from the Rockfish Program CV Sector to the Non-Rockfish Program CV Sector may provide additional harvest opportunities and reduce the possibility of idling seafood processing capacity, which could have negative implications for fishery dependent communities.

Amendment 97 would establish a limit on the maximum amount of Chinook salmon PSC that could be used by the Trawl C/P Sector prior to June 1 of each year (seasonal allocation). During each year, the Trawl C/P Sector would be limited to no more than 66 percent of its annual Chinook salmon PSC limit prior to June 1. If, during the fishing year, NMFS determines that the Trawl C/P Sector would catch its seasonal allocation prior to June 1, NMFS would prohibit directed fishing for non-pollock fisheries for the Trawl C/P Sector until June 1. The seasonal allocation would ensure that sufficient Chinook salmon PSC would be left for the Trawl C/P Sector to participate in the Central GOA Rockfish Program, as well as to support other non-pollock trawl fisheries occurring later in the year.

Amendment 97 would require the operators of all trawl CVs and tender vessels to retain all salmon, including Chinook salmon caught in the non-pollock trawl fisheries in the Western and Central GOA until those salmon are delivered to a processing plant. This proposed action would also require shoreside processors and SFPs receiving non-pollock deliveries to retain all salmon until the number of salmon by species has been accurately recorded in the eLandings groundfish landing report. This proposed action would require the operators of vessels in the Trawl C/P Sector to retain all salmon until an observer has had the opportunity to collect scientific data or biological samples, and the number of salmon by species has been accurately recorded in the eLandings At-sea production report. The full retention requirement would not modify the observer duties or the method by which NMFS calculates fleet-wide Chinook salmon PSC estimates. There may be an increase in biological sampling at the plants with full retention. NMFS would continue to calculate Chinook salmon PSC numbers, and would manage PSC limits for Chinook salmon, using the existing system of extrapolating catch rates from observed vessels to the unobserved portion of the non-pollock trawl fleet.

The proposed action addresses the MSA National Standards and would balance a number of competing objectives for fishery conservation and management and the needs of different user groups. Specifically, the Council

determined and NMFS agrees that this action would achieve balance and consistency with both National Standard 9 and National Standard 1. National Standard 9 requires that conservation and management measures shall, to the extent practicable, minimize bycatch. National Standard 1 requires that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry. Amendment 97 is intended to allow the full prosecution of the non-pollock trawl fisheries in the Western and Central GOA in most years, while limiting the fisheries in some years if necessary to prevent events of unusually high Chinook salmon PSC in these areas.

NMFS is soliciting public comments on proposed Amendment 97 through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendment 97 following NMFS' evaluation of the proposed rule under the MSA. Public comments on the proposed rule must be received by the end of the comment period on Amendment 97 to be considered in the approval/disapproval decision on Amendment 97. NMFS will consider all comments received by the end of the comment period on Amendment 97, whether specifically directed to the FMP amendment or the proposed rule, in the FMP amendment approval/disapproval decision. NMFS will not consider comments received after that date in the approval/disapproval decision on the amendment. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the close of business on the last day of the comment period.

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

Dated: June 2, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13066 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 79, No. 108

Thursday, June 5, 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

Office of Advocacy and Outreach; Beginning Farmers and Ranchers Advisory Committee

AGENCY: Office of Advocacy and Outreach, USDA.

ACTION: Notice of Public Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Office of Advocacy and Outreach (OAO) is announcing a meeting of the Beginning Farmers and Ranchers Advisory Committee. The Committee is being convened to discuss matters of importance for beginning farmers and ranchers.

DATES: The Beginning Farmers and Ranchers Advisory Committee meeting will be held on June 22–23, 2014, from 9:00 a.m.–5:00 p.m. There will be time allotted at the end of each day from 4:00–4:30 p.m. for public comments. All persons wishing to make comments during this meeting must check in between 8:00 a.m. and 9:00 a.m. on both days at the registration table. All public commenters will be given a minimum of three minutes. If the number of registrants requesting to speak is greater than what can be reasonably accommodated during the scheduled open public hearing session timeframe, a lottery will be implemented to determine the speakers for the scheduled open public comment session.

ADDRESSES: This public advisory committee meeting will be held at the Robert and Margrit Mondavi Center for the Performing Arts in the Vanderhoef Studio Theatre, located at the University of California at Davis (UC Davis), One Shields Avenue, Davis, CA 95616. The Mondavi Center (as distinguished from the Mondavi Institute) is located on the south east portion of the UC Davis campus. Parking is available south of the building for $8. There is also a short-term drop-off area directly in front of the entrance. Specific driving instructions with GPS coordinates and a map will be posted to Committee's Web site at: *http://www.outreach.usda.gov/smallbeginning/index.htm* in advance of the meeting. There will be signs in the main lobby of the Mondavi Center directing attendees to the Vanderhoef Studio Theatre.

A listen-only conference call line will be available from 9:00 a.m. through 5:00 p.m. PST each day for all who wish to listen in on the proceeding through the following telephone number: (888) 790–3439 and enter passcode 1668669.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to Phyllis Morgan, Executive Assistant, OAO, 1400 Independence Ave. SW., Whitten Bldg., 520–A, Washington, DC 20250, Phone: 202–720–6350, Fax: 202–720–7136, email: *Phyllis.Morgan@osec.usda.gov.*

Public written comments for the Committee's consideration may be submitted, by COB June 16, 2014, to Mrs. Kenya Nicholas, Designated Federal Official, USDA OAO, 1400 Independence Avenue, Room 520–A, Washington, DC 20250–0170, Phone (202) 720–6350, Fax (202) 720–7136, Email: *kenya.nicholas@osec.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Committee was established pursuant to Section 5 of the Agricultural Credit Improvement Act of 1992. The Farm Service Agency had original authority and oversight of the Committee until it was transferred to OAO under the 2008 Farm Bill. The Secretary of Agriculture selected a diverse group of members representing a broad spectrum of persons interested in providing solutions to the challenges of new farmers and ranchers. During the meeting, the Committee will be asked to consider the efficiency and value of programs and policies of the Department's programs affecting new farmers and ranchers. The agencies tasked with implementing these programs and policies include, but is not limited to, the Farm Service Agency, Rural Development, Risk Management Agency, and Natural Resource Conservation Service. Representatives from these agencies will give updates on existing policies and programs that are specifically geared toward the development and assistance for new farmers and ranchers. Please visit our Web site at: *http://www.outreach.usda.gov/smallbeginning/index.htm* for additional information on the advisory committee and the public meeting.

Register for the Meeting: The public is asked to pre-register for the meeting at least 10 business days prior to the meeting. You may pre-register by submitting an email to *ACBFR@osec.usda.gov* with your name, organization or affiliation, comments, or questions for the Committee's consideration. You may also fax this information to 202–720–7136. Members of the public who request to give comments to the Committee must arrive between 8:00 a.m. and 9:00 a.m. on either day of the meeting and register (confirm) at the check-in table.

Availability of Materials for the Meeting: Please visit the Beginning Farmers and Ranchers Web site for the full agenda. All agenda topics and documents will be made available to the public at: *http://www.outreach.usda.gov/smallbeginning/index.htm.* Copies of the agenda will also be distributed at the meeting.

Meeting Accommodations: USDA is committed to ensuring that everyone is accommodated in our work environment, programs and events. If you are a person with a disability and request reasonable accommodations to participate in this meeting, please note the request in your registration and you may contact Mrs. Kenya Nicholas in advance of the meeting by or before COB June 16, 2014.

Issued at Washington, DC, this day of June, 2014.

Carolyn C. Parker,

Director, Office of Advocacy and Outreach.

[FR Doc. 2014–13033 Filed 6–4–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0038]

Notice of Request for Extension of Approval of an Information Collection; Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the category of plants for planting that are not authorized for importation pending pest risk analysis.

DATES: We will consider all comments that we receive on or before August 4, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0038.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0038 Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0038* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the category of plants for planting not authorized for importation pending pest risk analysis, contact Dr. Alan V. Tasker, Senior Regulatory Policy Specialist, PPIP, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2224. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2283.

SUPPLEMENTARY INFORMATION:

Title: Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis.

OMB Control Number: 0579–0380.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to take such actions as may be necessary to prevent the introduction and spread of plant pests and noxious weeds within the United States. The Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS).

The regulations contained in ''Subpart–Plants for Planting'' (7 CFR 319.37 through 319.37–14) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. These regulations are intended to ensure that imported plants for planting do not serve as a host for plant pests, such as insects or pathogens, that can cause damage to U.S. agricultural and environmental resources.

In accordance with § 319.37–2a, the importation of certain taxa of plants for planting poses a risk of introducing quarantine pests into the United States. Therefore, the importation of these taxa is not authorized pending the completion of a pest risk analysis, except as provided in the regulations. Requests to remove a taxon from the category of plants for planting whose importation is not authorized pending the completion of a pest risk analysis must be made in accordance with § 319.5. The submission of requests contains information collection activities, including information about the party making the request, information about the commodity proposed for importation into the United States, shipping information, a description of the pests and diseases associated with the commodity, current practices for risk mitigation or management, and any additional information listed in § 319.5 that may be necessary for APHIS to complete a pest risk analysis.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 5.6 hours per response.

Respondents: National plant protection organizations and importers of plants for planting into the United States.

Estimated annual number of respondents: 5.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 5.

Estimated total annual burden on respondents: 28 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

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

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014–13009 Filed 6–4–14; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta-Wasatch Cache Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting; correction.

SUMMARY: The Forest Service published a document in the **Federal Register** of May 19, 2014, concerning a notice soliciting nominations to the Uinta-Wasatch Cache Resource Advisory Committee. The document contained an incorrect date.

FOR FURTHER INFORMATION CONTACT: Loyal Clark, RAC Coordinator, by phone at 801–999–2113 or via email at *lfclark@fs.fed.us.*

Correction

In the **Federal Register** of May 19, 2014, in FR Doc . 2014–11548, on page 28671, in the third column, correct the **DATES** caption to read: Nominations must be received on or before June 27, 2014.

Dated: May 29, 2014.

David C. Whittekiend,

Forest Supervisor.

[FR Doc. 2014–13054 Filed 6–4–14; 8:45 am]

BILLING CODE 3410–11–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday through Wednesday, July 7–9, 2014 at the times and location listed below.

DATES: The schedule of events is as follows:

Monday, July 7, 2014

10:00–3:00 p.m. Ad Hoc Committee Meetings: Closed to public
3:00–4:00 Ad Hoc Committee on Frontier Issues

Tuesday, July 8, 2014

9:30–10:30 a.m. Technical Programs Committee
10:30–Noon Planning and Evaluation Committee
1:30–2:30 p.m. Budget Committee

Wednesday, July 9, 2014

9:30–Noon Ad Hoc Committees: Closed to public
1:30–3:00 p.m. Board Meeting

ADDRESSES: Meetings will be held at the Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting scheduled on the afternoon of Wednesday, July 9, 2014, the Access Board will consider the following agenda items:

- Approval of the draft March 12, 2014 meeting minutes (vote)
- Ad Hoc Committee Reports: Self-Service Transaction Machines; Information and Communications Technologies; Accessible Design in Education; Public Rights-of-Way and Shared Use Paths; Classroom Acoustics (vote); Passenger Vessels; Frontier Issues; Transportation Vehicles (vote); and Medical Diagnostic Equipment (vote)
- Budget Committee (vote)
- Technical Programs Committee (vote)
- Planning and Evaluation Committee (vote)
- Election Assistance Commission Report
- Executive Director's Report

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see *www.access-board.gov/the-board/policies/fragrance-free-environment* for more information).

David M. Capozzi,

Executive Director.

[FR Doc. 2014–13011 Filed 6–4–14; 8:45 am]

BILLING CODE 8150–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Vessel Monitoring System (VMS) Requirement for Pacific Islands Fisheries.

OMB Control Number: 0648–0441.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 208.

Average Hours per Response: Installation, 4 hours; replacement, 4 hours; maintenance and repair, 1 hour.

Burden Hours: 170.

Needs and Uses: This request is for extension of a currently approved information collection.

As part of fishery management plans developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, owners of commercial fishing vessels in the Hawaii pelagic longline fishery, American Samoa pelagic longline fishery (only vessels longer than 50 feet), Northwestern Hawaiian Islands lobster fishery (currently inactive), and Northern Mariana Islands bottomfish fishery (only vessels longer than 40 feet) must allow the National Oceanic and Atmospheric Administration (NOAA) to install vessel monitoring system (VMS) units on their vessels when directed to do so by NOAA enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NOAA uses the reports to monitor the vessel's location and activities, primarily to enforce regulated fishing areas. NOAA pays for the units and messaging. There is no public burden for the automatic messaging; however, VMS installation and annual maintenance are considered public burden.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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 publication of this notice to *OIRA_Submission@omb.eop.gov* or faxed to (202) 395–5806.

Dated: May 30, 2014

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–13021 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Annual Survey of Manufactures

AGENCY: U.S. Census Bureau, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, 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 Julius Smith, Jr., U.S. Census Bureau, Manufacturing and Construction Division, Room 7K055, 4600 Silver Hill Road, Washington, DC 20233, (301) 763–7662 (or via the Internet at *julius.smith.jr@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau has conducted the Annual Survey of Manufactures (ASM) since 1949 to provide key measures of manufacturing activity during intercensal periods. In census years ending in ''2'' and ''7'', we mail and collect the ASM as part of the Economic Census covering the Manufacturing Sector. This survey is an integral part of the Government's statistical program. The ASM furnishes up-to-date estimates of employment and payroll, hours and wages of production workers, value added by manufacture, cost of materials, value of shipments by product class, inventories, and expenditures for both plant and equipment and structures. The survey provides data at the two- through six-digit North American Industry Classification System (NAICS) levels. It also provides geographic data by state at a more aggregated industry level.

The survey also provides valuable information to private companies, research organizations, and trade associations. Industry makes extensive use of the annual figures on product class shipments at the U.S. level in its market analysis, product planning, and investment planning. The ASM data are used to benchmark and reconcile monthly and quarterly data on manufacturing production and inventories. The Census Bureau plans to request a revision of a currently approved collection. We plan to make the following changes:

MA–10000 (L):

a. Question 9:

To improve, efficiency and understanding, the last-in, first-out (LIFO)-related items 9B5 and 9B6 are no longer in this section.

b. Question 10:

Previously, item 10, titled ''Inventories by valuation method'', queried for both LIFO and non-LIFO valuation methods together. Research done by the U.S. Census Bureau's Response Improvement Research Staff found that these methods should be collected separately. The new version of item 10 replaces the former item 10A, and focuses ONLY on non-LIFO valuation methods.

c. Question 11:

Although this is a new item, this section houses the LIFO-related items that were removed from the items 9 and 10. This item begins with a Yes/No question that allows respondents to skip to item 12 if there is no applicable LIFO data. Pieces removed from items 9 and 10, the amount subject to LIFO (previously item 10A) and LIFO reserve (previously item 9B5), are a part of item 11, along with a total that will tie back to the inventory total in item 9B4.

MA–10000 (L) and MA–10000 (S):

a. Question 16:

Item 16B, normal depreciation charges for tangible assets, is being removed. In addition to it being one of the most poorly reported items that we collect, depreciation is highly correlated to and dependent on assets, which is not collected for the ASM. As a result, we are not able to accurately impute or edit data for this item.

As stated above, we need to revise the above information in items 9–11 to improve the responses for this section. The primary objective is to improve reporting and avoid confusion for non-LIFO respondents. In previous reporting cycles, reporting on these items were filled with errors that revolved around non-LIFO respondents reporting data in the LIFO-related items due to confusion on what was being requested. After research, we feel that grouping all of the LIFO-related items together and moving to the end of the inventory section will greatly decrease confusion for the large majority of respondents that do not use the LIFO valuation method. The removal of item 16B will simplify what respondents are required to report and remove an item that does not have the supplemental variables that it needs for editing and imputation.

II. Method of Collection

The ASM statistics are based on a survey that includes both mail and nonmail components. The mail portion of the survey consists of a probability sample that will be redesigned for the 2014 ASM using a methodology similar to the one that was used for the 2009 ASM. However, the industry strata for the 2014 ASM sample will be based on the 2012 NAICS, which combines many of the six-digit codes in the Manufacturing Sector. For the 2009 ASM, approximately 51,000 establishments were selected from a frame of approximately 117,000 manufacturing establishments located in the United States. The frame contained all manufacturing establishments of multiunit companies (companies with operations at more than one location) plus the largest single-location manufacturing companies within each manufacturing industry. In this document, we assume that the number of establishments in the 2014 ASM sample will be about the same as the number of establishments in the 2009 ASM sample. The 2009 ASM nonmail component contained the remaining single-location companies, approximately 211,000 companies. No data are collected from companies in the nonmail component. Rather, data are imputed based on models that incorporate the administrative records of the Internal Revenue Service (IRS), the Social Security Administration (SSA), and the Bureau of Labor Statistics (BLS). Though the nonmail companies account for nearly two-thirds of the universe, they account for less than 7 percent of the manufacturing output.

The 51,000 sampled establishments will be asked to report either on a long report form (MA–10000(L)) or a short form (MA–10000(S)) based on mail selection procedures. All establishments of multiunit companies plus the large single-location companies will be asked to report on the MA–10000(L). The remaining single-location companies in the sample will be asked to report on the MA–10000(S) form. We estimate that 48,000 establishments will be asked to report the MA–10000(L) and 3,000 establishments will be asked to report on the MA–10000(S).

Starting in 2014, the initial mailing will include only a letter and a flyer providing electronic reporting instructions. Establishments will have the option to request paper forms after the initial mail. By omitting paper forms from the initial mail package, we hope to reduce costs and to move establishments towards electronic reporting.

III. Data

OMB Control Number: 0607–0449.

Form Number(s): MA–10000(L), MA–10000(S).

Type of Review: Regular submission (revision of a currently approved information collection).

Affected Public: Business or other for profit, non-profit institutions, small businesses or organizations, and State or Local Governments.

Estimated Number of Respondents:

MA–10000(L)—(Long Form)	48,000
MA–10000(S)—(Short Form)	3,000
Total	51,000

Estimated Time per Response:

MA–10000(L)—(Long Form).	4.0 hrs
MA–10000(S)—(Short Form).	1.4 hrs

Estimated Total Annual Burden Hours: 196,200.

Estimated Total Annual Cost to Public: $0.

Respondents Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 182, 224, and 225.

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 30, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–13010 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–41–2014]

Foreign-Trade Zone (FTZ) 244—Riverside County, California, Notification of Proposed Production Activity, ModusLink Global Solutions, (Camera and Accessories Kitting), Riverside, California

The March Joint Powers Authority, grantee of FTZ 244, submitted a notification of proposed production activity to the FTZ Board on behalf of ModusLink Global Solutions (ModusLink) located in Riverside, California. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 21, 2014.

The ModusLink facility is located within Site 5 of FTZ 244. The facility is used for the kitting of cameras and accessories into retail packages on behalf of GoPro, Inc. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ModusLink from customs duty payments on the foreign status components used in export production. On its domestic sales, ModusLink would be able to choose the duty rates during customs entry procedures that apply to protective lens covers, camera bundles, and lens replacement kits (duty rates range from 2.0 to 5.3%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: 1 inch diameter clear plastic adhesive; double adhesive foam cushions; display boxes; plastic bags; plastic water housing assemblies; rubber seals for water housing door; molded plastic replacement camera housings; accessory boxes; tray tops for packaging; accessory boxes with shelf; warranty cards; printed carnets; security tethers; washers; Wi-Fi remotes (including with key ring); metal mounting adapters (micro SD to USB 2.0); battery transmitters; rechargeable batteries; Wi-Fi transmitters; remotes; cameras; LCD transmitters; cables (composite, 120 pin mini USB to CVBS audio/video and micro HDMI to HDMI); silicon dioxide for anti-fog inserts; flat and curved adhesive mounts; rubber floats for cameras; textile bag packs; stickers/labels; textile chest mount harnesses; Wi-Fi remote key ring attachments; thumbscrew wrench/bottle openers; rechargeable batteries; Wi-Fi transmitters–English/French; video players; micro SD memory cards; radar transmitters; composite cable bundles; microphone stand mounts; lens filters; 3D glasses; and 24 inch metal camera bars (duty rates range from duty-free to 20%). The request indicates that inputs included in certain textile categories (classified within HTSUS Subheadings 4202.92 and 6307.90) will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is July 15, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz*.

FOR FURTHER INFORMATION CONTACT: *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: May 30, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–13086 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–42–2014]

Foreign-Trade Zone (FTZ) 183—Austin, Texas, Notification of Proposed Production Activity, Flextronics America, LLC, (Automated Data Processing Machines), Austin, Texas

Flextronics America, LLC (Flextronics) submitted a notification of proposed production activity to the FTZ Board for its facility in Austin, Texas within Subzone 183C. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 29, 2014.

Flextronics already has authority to produce automated data processing machines within Subzone 183C. The current request would add a finished product as well as foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Flextronics from customs duty payments on the foreign status materials/components used in export production. On its domestic sales,

Flextronics would be able to choose the duty rates during customs entry procedures that apply to exhaust subassemblies for automated data processing machines (duty-free) for the foreign status materials/components noted below and in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The materials/components sourced from abroad include: Supports; gaskets; rubber rings; lock clamps; nuts; standoffs; pin connectors; bushings; holders; backer and button switches; connector brackets; housing gaskets; torsion bars; LP covers; spacers; transformers; inductors; ferrite EMI filters; wireless Bluetooth® assemblies; cover shielding; WiFi antenna assemblies; solid state drives; resistors; flexible printed circuit boards; printed circuit connectors; terminals; connectors; integrated circuits; repeaters; power cords; CPU stiffener assemblies; filters; and, cables (duty rate ranges from duty-free to 5.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 15, 2014.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: June 2, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–13083 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD303

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops will be held in July, August, and September of 2014. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2014 and will be announced in a future notice.

DATES: The Atlantic Shark Identification Workshops will be held on July 24, August 14, and September 11, 2014.

The Protected Species Safe Handling, Release, and Identification Workshops will be held on July 23, July 29, August 20, August 27, September 3, and September 23, 2014.

See **SUPPLEMENTARY INFORMATION** for further details.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Rosenberg, TX; Fort Lauderdale, FL; and Panama City, FL.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Largo, FL; Ocean City, MD; Revere, MA; Charleston, SC; Corpus Christi, TX; and Manahawkin, NJ.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

FOR FURTHER INFORMATION CONTACT: Rick Pearson by phone: (727) 824–5399, or by fax: (727) 824–5398.

SUPPLEMENTARY INFORMATION: The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: *http://www.nmfs.noaa.gov/sfa/hms/workshops/.*

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Approximately 98 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances that are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

Workshop Dates, Times, and Locations

1. July 24, 2014, 12 p.m.–4 p.m., Hampton Inn, 3312 Vista Drive, Rosenberg, TX 77471.
2. August 14, 2014, 12 p.m.–4 p.m., LaQuinta Inn & Suites, 999 West Cypress Creek Road, Fort Lauderdale, FL 33309.
3. September 11, 2014, 12 p.m.–4 p.m., LaQuinta Inn & Suites, 7115 Coastal Palms Boulevard, Panama City, FL 32408.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at *esander@peoplepc.com* or at (386) 852–8588.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.

• Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited-access permit applicants who intend to fish with longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 178 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited-access permits that uses longline or gillnet gear.

Workshop Dates, Times, and Locations

1. July 23, 2014, 9 a.m.–5 p.m., Holiday Inn Express, 210 Seminole Boulevard, Largo, FL 33770.
2. July 29, 2014, 9 a.m.–5 p.m., Princess Royale, 9100 Coastal Highway, Ocean City, MD 21842.
3. August 20, 2014, 9 a.m.–5 p.m., Hampton Inn, 230 Lee Burbank Highway, Revere, MA 02151.
4. August 27, 2014, 9 a.m.–5 p.m., Hampton Inn, 678 Citadel Haven Drive, Charleston, SC 29414.
5. September 3, 2014, 9 a.m.–5 p.m., Embassy Suites, 4337 South Padre Island Drive, Corpus Christi, TX 78411.
6. September 23, 2014, 9 a.m.–5 p.m., Holiday Inn, 151 Route 72 East, Manahawkin, NJ 08050.

Registration

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 682–0158.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

• Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.

• Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.

• Vessel operators must bring proof of identification.

Workshop Objectives

The Protected Species Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish. In an effort to improve reporting, the proper identification of protected species will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species, which may prevent additional regulations on these fisheries in the future.

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

Dated: June 2, 2014.

Emily H. Menashes,

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

[FR Doc. 2014–13068 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD321

New England Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice of revision to a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a three-day meeting, June 17 through 19, 2014, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, Wednesday and Thursday, starting at 9:30 a.m. on Tuesday, June 17, and 8:30 a.m. on Wednesday and Thursday, June 18 and 19, 2014.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775–2311, and fax: (207) 761–8224. See *www.innbythebay.com* for online information about the venue.

Council Address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on June 2, 2014 (79 FR 31313). This notice changes the time and date

of an agenda item and includes an additional agenda item.

Thursday, June 19, 2014

The Council has revised its original agenda for its June 2014 meeting. The time and date for receipt of a presentation on the NOAA Fisheries/Greater Atlantic Regional Fisheries Office Omnibus Vessel Baseline Amendment has been rescheduled from the first day of the Council meeting, Tuesday, June 17, 2014, to Thursday, June 19, 2014 at 8:30 a.m. In addition to receiving the presentation, the Council will approve the draft amendment for purposes of taking public comment. The action would simplify the current vessel baseline restrictions. Final action is scheduled for the Sept. 30–Oct. 2, 2014 Council meeting in Hyannis, MA.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: June 2, 2014.

Tracey L. Thompson,

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

[FR Doc. 2014–13030 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the U.S. Strategic Forces Strategic Advisory Board (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed 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) (''the Sunshine Act''), and 41 CFR § 102–3.50(d).

The Board is a discretionary Federal advisory committee that shall provide independent advice and recommendations to the Chairman of the Joint Chiefs of Staff and the Commander, U.S. Strategic Command, on matters regarding enhancements in U.S. Strategic Command's mission area responsibilities.

The DoD, through the Chairman of the Joint Chiefs of Staff, shall provide support as deemed necessary for the Board's performance, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), governing Federal statutes and regulations, and governing DoD policies and procedures.

The Group shall be comprised of not more than 20 members who are eminent authorities in the fields of strategic policy formulation; nuclear weapon design; national command, control, communications, intelligence, and information operations; or other important aspects of the Nation's strategic forces.

The Secretary of Defense shall select the Group's Chair from among the membership approved by the Secretary of Defense or the Deputy Secretary of Defense. All Board member appointments must be renewed by the Secretary or Deputy Secretary of Defense on an annual basis.

Board members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time or permanent part-time federal employees, shall be appointed as experts and consultants, pursuant to 5 U.S.C. 3109, to serve as special government employee (SGE) members. Board members appointed by the Secretary of Defense, who are full-time or permanent part-time Federal employees, shall serve as regular government employee (RGE) members. Board members shall serve a term of service of one-to-four years on the Board. No member may serve more than two consecutive terms of service without the Secretary or Deputy Secretary of Defense approval. This same term of service limitation also applies to any DoD authorized subcommittees.

With the exception of reimbursement for official Board-related travel and per diem, Board members shall serve without compensation.

DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Chairman of the Joint Chiefs of Staff, as the DoD Sponsor.

Such subcommittees shall not work independently of the Board and shall report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, even if the member in question is already a member of the Board. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense. Subcommittee members, if not full-time or permanent part-time Federal employees, will be appointed as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members, whose appointments must be renewed on an annual basis. Subcommittee members appointed by the Secretary of Defense, who are full-time or permanent part-time Federal employees, shall serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The estimated number of Board meetings is two per year.

The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be

appointed in accordance with established DoD policies and procedures.

In addition, the DFO is required to be in attendance at all committee and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, an Alternate DFO, duly appointed to the Committee according to the DoD policies and procedures, shall attend the entire duration of the Committee or subcommittee meeting. The DFO, or the Alternate DFO, shall call all meetings of the Board and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to U.S. Strategic Forces Strategic Advisory Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of U.S. Strategic Forces Strategic Advisory Board.

All written statements shall be submitted to the DFO for the U.S. Strategic Forces Strategic Advisory Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the U.S. Strategic Forces Strategic Advisory Board DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the U.S. Strategic Forces Strategic Advisory Board. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2014–12997 Filed 6–4–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Independent Review Panel on Military Medical Construction Standards; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Independent Review Panel on Military Medical Construction Standards (''the Panel'').

DATES:

Monday, June 23, 2014

7:30 a.m.–10:15 a.m. (Open Session)
10:15 a.m.–12:45 p.m. (Administrative Working Meeting)
12:45 p.m.–4:00 p.m. (Open Session)

ADDRESSES: Defense Health Headquarters (DHHQ), Salon B/C, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting.'')

FOR FURTHER INFORMATION CONTACT: The Director is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *christine.bader@dha.mil,* (703) 681–6653, Fax: (703) 681–9539. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, *kendal.brown.ctr@dha.mil,* (703) 681–6670, Fax: (703) 681–9539.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting

At this meeting, the Panel will address the Ike Skelton National Defense Authorization Act (NDAA) for Fiscal Year 2011 (Pub. L. 111–383), Section 2852(b) requirement to provide the Secretary of Defense independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set forth in this notice:

a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction;

b. Reviewing ongoing construction programs within the DoD to ensure medical construction standards are uniformly applied across applicable military centers;

c. Assessing the DoD approach to planning and programming facility improvements with specific emphasis on facility selection criteria and proportional assessment system; and facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments;

d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical (''the Master Plan''), dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Pub. L. 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Master Plan result in world class military medical centers in the National Capital Region; and

e. Making recommendations regarding any adjustments of the Master Plan that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the Panel meeting is open to the public from 7:30 a.m. to 10:15 a.m. and 12:45 p.m. to 4:00 p.m. on June 23, 2014. On June 23, 2014, the Panel will meet with senior federal and civilian healthcare industry leaders to discuss facility design standards and benchmarking processes.

Availability of Materials for the Meeting

A copy of the agenda or any updates to the agenda for the June 23, 2014 meeting, as well as any other materials presented in the meeting, may be obtained at the meeting.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in the section **FOR FURTHER INFORMATION CONTACT** no later than 12:00 p.m. on Monday, June 16, 2014, to register and

make arrangements for a DHHQ escort, if necessary. Public attendees requiring escort should arrive at the DHHQ Visitor's Entrance with sufficient time to complete security screening no later than 7:00 a.m. on June 23. To complete security screening, please come prepared to present two forms of identification and one must be a picture identification card.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the Panel may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the Panel may do so by submitting a written statement to the Director (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the Director may choose to postpone consideration of the statement until the next open meeting.

The Director will review all timely submissions with the Panel Chairperson and ensure they are provided to members of the Panel before the meeting that is subject to this notice. After reviewing the written comments, the President and the Director may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The Director, in consultation with the Panel Chairperson, may allot time for members of the public to present their issues for review and discussion by the Panel.

Dated: May 30, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–13013 Filed 6–4–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Grant An Exclusive Patent License

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 its intention to grant Massachusetts Institute of Technology, a Massachusetts corporation having a place of business at 77 Massachusetts Avenue, Cambridge, MA 02139, an exclusive license limited to the field of footwear in any right, title, and interest of the Air Force in: U.S. Application No. 12/599,465, entitled ''TUNABLE SURFACES,'' by Wonjae Choi, Robert E. Cohen, Joseph M. Mabry, Gareth H. McKinley, and Anish Tuteja, which was published on 16 December 2010 as U.S. Application Publication No. 2010/0316842; and U.S. Application No. 13/734,446, entitled ''LIQUID REPELLENT SURFACES,'' by Robert E. Cohen, Joseph M. Mabry, Gareth H. McKinley, and Adam James Meuler, which was published on 11 July 2013 as U.S. Application Publication No. 2013/0178568; who intends to further grant an exclusive license limited to the field of footwear in any right, title, and interest of itself to NBD Nanotechnologies, Inc., a Massachusetts corporation having a place of business at 41 Sherwood Ave., Danvers, MA 01923.

The Air Force intends to grant a license for the pending applications unless a written objection is received within fifteen (15) calendar days from the date of publication of this Notice. Written objection should be sent to: Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 101, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2014–13036 Filed 6–4–14; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERCs)—Technologies To Enhance Independence in Daily Living for Adults With Cognitive Impairments

Notice inviting applications for new awards for fiscal year (FY) 2014.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133E–5.

DATES:

Applications Available: June 5, 2014.

Date of Pre-Application Meeting: June 26, 2014.

Deadline for Notice of Intent to Apply: July 10, 2014.

Deadline for Transmittal of Applications: August 4, 2014.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. The program is also intended to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers

The purpose of the RERCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through well-designed research, training, technical assistance, and dissemination activities

in important topical areas as specified by NIDRR with guidance from its Rehabilitation Research Advisory Council. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, family members, policymakers, and other research stakeholders. Additional information on the RERC program can be found at: *http://www2.ed.gov/programs/rerc/index.html#types.*

Priority: This priority is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2014 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Technologies to Enhance Independence in Daily Living for Adults with Cognitive Impairment.

Note: The full text of this priority is included in the pertinent notice of final priority published in this issue of the **Federal Register** and in the application package for this competition.

Program Authority: 29 U.S.C. 762(g) and 764(b)(3).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

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: $950,000.

Maximum Award: $950,000.

We will reject any application that proposes a budget exceeding $950,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this program as follows: CFDA number 84.133E–5.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for each competition announced in this notice.

Notice of Intent to Apply: Due to the broad nature of the priority in this competition, and to assist with the selection of reviewers for this competition, NIDRR is requesting all potential applicants to submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) The title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (2) a brief statement of the vision, goals, and objectives of the proposed project and a description of its activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (3) a list of proposed project staff including the Project Director or PI and key personnel; (4) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (5) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by July 10, 2014. The LOI must be sent to: Patricia Barrett, U.S. Department of Education, 550 12th Street SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *patricia.barrett@ed.gov.*

For further information regarding the LOI submission process, contact Patricia Barrett at (202) 245–6211.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 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.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

Note 1: Please submit an appendix that lists every collaborating organization and individual named in the application, including staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

Note 2: An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times:*

Applications Available: June 5, 2014.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on June 26, 2014. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Notice of Intent to Apply: July 10, 2014.

Deadline for Transmittal of Applications: August 4, 2014.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* 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 two to five 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 competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the RERC competition, CFDA number 84.133E–5, 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 this RERC 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 84.133, not 84.133E).

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. Additional, detailed information on how to attach files is in the application instructions.

• 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 the 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: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., room 5142, PCP, Washington, DC 20202–2700. FAX: (202) 245–6211.

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 84.133E–5), 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 84.133E–5), 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 program under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and are listed in the application package.

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:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports for these reviews.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *www.ed.gov/about/offices/list/opepd/sas/index.html.*

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: Patricia Barrett, U.S. Department of Education, 400 Maryland Avenue SW., room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: *patricia.barrett@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (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) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5037, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

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: June 2, 2014.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2014–13096 Filed 6–4–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Printing and Publishing Activities, OMB Control Number 1910–0100. The Congressional Joint Committee on Printing requires the collection of this data. The Department reports on information gathered and compiled from its facilities nation-wide on the usage of in-house printing and duplicating activities as well as all printing production from external Government Printing Office (GPO) and GPO vendors.

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 OMB Desk Officer 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: Joseph Whitford, U.S. Department of Energy, Printing Team Leader, MA–42, 1000 Independence Ave. SW., Washington, DC 20585 or by fax at (202) 586–5460 or by email at *joseph.whitford@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Joseph Whitford at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–0100; (2) *Information Collection Request Title:* Department of Energy Printing and Publishing Activities; (3) *Type of Request:* Renewal; (4) *Purpose:* The Congressional Joint Committee on Printing requires the collection of this data: The Department reports on information gathered and compiled from its facilities nation-wide on the usage of in-house printing and duplicating activities as well as all printing production from external Government Printing Office (GPO) and GPO vendors; (5) *Annual Estimated Number of Respondents:* 232; (6) *Annual Estimated Number of Total Responses:* 232; (7) *Annual Estimated Number of Burden Hours:* 1,768; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The estimated annualized cost to the Federal government resulting from the collection of this information is $13,030.20.

Statutory Authority: This information is reported to the Congressional Joint Committee on Printing pursuant to its regulations. Joint Committee on Printing, Government Printing and Binding Regulations, Title IV, Rules 48–55 (Feb. 1990), in S. Pub. No. 101–9, 101st Cong., 2d Sess., at 27–29 (1990).

Issued in Washington, DC, on June 2, 2014.

Joseph Whitford,

Printing Team Leader, Office of Administrative Management and Support.

[FR Doc. 2014–13049 Filed 6–4–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket No. EERE–2014–BT–NOA–0016]

Physical Characterization of Grid-Connected Commercial and Residential Buildings End-Use Equipment and Appliances

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Energy (DOE) is soliciting comment from the public on a draft framework for the physical characterization of grid-connected commercial and residential buildings end-use equipment and appliances. To inform interested parties and to facilitate this data-gathering process, DOE will hold a public meeting for stakeholders to discuss a draft framework for physical characterization of grid-connected commercial and residential buildings end-use equipment and appliances, including but not limited to processes and metrics for measurement, identification of grid and building services that can be provided, and a process for developing an initial list of products to consider. The public meeting will also allow DOE to gather input on topics related to grid-connected equipment, allow stakeholder groups to engage, and provide an opportunity to allow interested parties to provide published work and studies related to these issues.

DATES: *Meeting:* DOE will hold a public meeting on July 11, 2014, from 9:00 a.m. to 1:00 p.m. Eastern Standard Time in Washington, DC.

ADDRESSES: Unless otherwise specified in a subsequent **Federal Register** notice and official email, the public meeting will be held at the U.S. Department of Energy, room 8E–089, 1000 Independence Ave. SW., Washington,

DC 20585. Please note admittance instructions in section II., Public Participation, under the **SUPPLEMENTARY INFORMATION** section of this notice.

Interested parties are encouraged to submit comments electronically. However, comments may be submitted by any of the following methods:

• *Email: ConnectedBuildings2014 NOA0016@ee.doe.gov.* Include docket number EERE–2014–BT–NOA–0016 in the subject line of the message. All comments should clearly identify the name, address, and, if appropriate, organization of the commenter. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

• *Postal Mail:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. (Please note that comments sent by mail are often delayed and may be damaged by mail screening processes.)

• *Hand Delivery/Courier:* Mr. Joseph Hagerman, U.S. Department of Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number for this public meeting. No telefacsimilies (faxes) will be accepted.

For information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Emily Marchetti at (202) 586–1824 or by email: *emily.marchetti@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Hagerman, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: (202) 586–4549. Email: *joseph.hagerman@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Issues on Which DOE Seeks Comment

In order to gather public input on the physical characterization of grid-connected commercial and residential buildings equipment and appliances, DOE is holding a public meeting on July 11, 2014 at DOE in Washington, DC. The agenda is expected to include the following discussion items:

• Presentation of a draft ''straw man'' framework with test protocols for the physical characterization of grid-connected buildings equipment;

• Services (use cases) grid-connected buildings equipment can provide;

• Candidate metrics to characterize smart and grid-connected buildings equipment;

• Applying the framework at the Energy Systems Integration Facility at NREL.

• Other topics related to smart and grid-connected equipment that DOE should consider;

Grid connected water heaters are subject to an ongoing rulemaking proceeding and will not be discussed at the meeting.

Note that agenda items may change without notice. The final agenda will be posted on the DOE Web site at: *http://energy.gov/eere/buildings/buildings-grid-integration.*

DOE considers public participation very important in gathering information. Interactions with and among members of the public provide a balanced discussion of the issues and assist DOE in making objective determinations. DOE requests comment on a draft framework for the physical characterization of grid-connected commercial and residential buildings equipment and appliances at the public meeting, or submitted in writing before or after the meeting, but no later than Friday August 8, 2014. See the following section II for additional information on public participation.

II. Public Participation

To register for the meeting, email *emily.marchetti@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should register as soon as possible by emailing *emily.marchetti@ee.doe.gov* to initiate the necessary procedures. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Issued in Washington, DC, on May 30, 2014.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2014–13051 Filed 6–4–14; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9911–87–OEI; EPA–HQ–OEI–2014–0014]

Amendment of PeoplePlus (EPA–1)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Environmental Protection Agency (EPA) is giving notice that it is amending the PeoplePlus (EPA–1) system of records to reflect that the Agency is transferring its human resources and payroll processing services to the Department of the Interior's (DOI) Federal Personnel and Payroll System (FPPS).

DATES: Persons wishing to comment on this system of records notice may do so by July 15, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2014–0014, by one of the following methods:

• *www.regulations.gov:* Follow the online instructions for submitting comments.

• *Email: oei.docket@epa.gov*

• *Fax:* 202–566–1752.

• *Mail:* OEI Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

• *Hand Delivery:* OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2014–0014. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by

statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov.* The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington. DC. 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 OEI Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Bobby Moore, Office of Human Resources, Office of Administration and Resources Management, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., (MC 3603M), Washington, DC 20460, 202–564–7542.

General Information

EPA is amending the PeoplePlus system of records (EPA–1) to reflect the transition of (1) human resources records from PeoplePlus and (2) payroll records from the Defense Finance and Accounting Services (DFAS) to the Department of the Interior's (DOI) Interior Business Center's (IBC) Federal Personnel and Payroll System (FPPS). The IBC will process personnel actions and payroll for EPA employees through FPPS, including computing each employee's gross pay, subtracting deductions and benefits and forwarding net payments to banks. EPA will then perform labor distribution and enter the information into its central accounting system. The records in FPPS have various uses by Agency personnel offices, including screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing federal employment; computing length of service; and providing other information needed to support personnel services. The electronic records and their automated or microform equivalents may also be used to locate individuals for personnel research.

Modernizing and consolidating payroll processing services is part of an overall e-government effort led by the Office of Personnel Management (OPM) to consolidate executive branch payroll providers, develop shared service centers, simplify and standardize civilian payroll procedures across the Federal government. This action gives notice that the human resources and payroll processing functions are being transferred to the IBC.

Dated: May 14, 2014.

Renee Wynn,

Acting Assistant Administrator and Acting Chief Information Officer.

EPA–1

SYSTEM NAME:

PeoplePlus.

SYSTEM LOCATION:

Department of the Interior, 7301 West Mansfield Avenue, MS D–2400, Denver, CO 80235–2230

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former EPA employees including Health and Human Services Public Health Service Commissioned Officers assigned to EPA.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

This system contains general human resources elements, basic benefits pay and leave records. This includes, but is not limited to, employee identification and employment status data such as: name(s); records that establish an individual's identity; social security number; date of birth; sex; race and national origin; disability; home and mailing addresses; home telephone numbers and telephone numbers for emergency contacts; type of appointments; education; training courses attended; veteran preference; military service; service computation for leave; beginning date of probationary and trial periods; annual performance ratings; dates and amounts of individual cash, time off, rating based, and suggestion, patents and invention awards, date of and amount of group cash, time off, and suggestion, patents, and inventions awards, grievances and adverse actions for performance-based reductions in grade and removal actions; terminations of probationers; dates of within-grade increases; Intergovernmental Personnel Act records; union bargaining unit status (bus) codes; employing organization codes; salary, pay plan, grade and step; adjudications of position classifications and appeals; retained grade or pay appeals; Fair Labor Standards Act (FLSA) claim complaints; forms and reports completed during employment as a condition of employment; records from the testing of the employee for use of illegal drugs; reports of on-the-job injuries and medical records; forms and reports pertaining to Workers' Compensation claims; number of hours worked; overtime; compensatory time; leave accrual rate; leave usage and balances; Thrift Saving Plans (TSP); TSP loans; Civil Service Retirement and Federal Employees Retirement System contributions; Federal Insurance Contributions Act (FICA) withholdings; federal, state, and city tax withholdings; Federal Employee Group Life Insurance withholdings; Federal Long-Term Care insurance elections; Federal Employee Health Benefits withholdings; charitable deductions; allotments to financial organizations; garnishments; savings bonds allotments; union dues withholdings; deductions for Internal Revenue Service levies; court-ordered child support levies; federal salary offset deductions; information on the Leave Transfer Program and Leave Bank Program; Flexible Spending Account (FSA) information; child care subsidy; time compliance technical orders (TCTOs); Physicians Comparability Allowances (PCA); uniform allowances; non-foreign cost-of-living allowances; within grade increase; quality step increase; student loan repayment program; recruitment; relocation; retention incentives; extended assignment incentives; supervisory, post and night pay differentials; Sunday premium pay; law enforcement availability pay; administratively

uncontrollable overtime pay; regularly scheduled standby duty pay; evacuation payment and hazardous duty.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101 et seq.; 5 U.S.C. 5501 et seq.; 5 U.S.C. 5525 et seq.; 5 U.S.C. 5701 et seq.; 5 U.S.C. 6301 et seq.; 31 U.S.C. 3512; Executive Order 9397 (Nov. 22, 1943); 5 U.S.C. 6362; 5 U.S.C. 6311.

PURPOSE(S):

These records will be used to administer EPA's pay and leave requirements, including processing, accounting and reporting. The records also provide the authoritative source for factual data about an individual's federal employment and separation from federal service. Records in FPPS are used by Agency personnel offices for various purposes, including screening qualifications of employees; determining status, eligibility, and employee's rights and benefits under pertinent laws and regulations governing federal employment; computing length of service; and to provide other personnel services. The records may also be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General routine uses *A, B, C, D, E, F, G, H, I, J, K,* and L apply to this system. Records may also be disclosed:

1. To the Department of the Treasury to issue checks, make payments, make electronic funds transfers, and issue U.S. Savings Bonds.
2. To the Federal Retirement Thrift Investment Board to credit Thrift Savings Plan deductions and loan payments to employee accounts.
3. To the Department of Labor in connection with a claim filed by an employee for compensation due to a job connected injury or illness.
4. To the Internal Revenue Service, Social Security Administration, and state and local tax authorities in connection with withholding employment taxes and tax levies.
5. To state unemployment offices in connection with a claim filed by former employees for unemployment benefits.
6. To the officials of labor organizations to identify the amount of dues withheld from each employee.
7. To the Office of Personnel Management and to health benefit carriers in connection with enrollment and payroll deductions.
8. To the Office of Personnel Management in connection with employee retirement and life insurance deductions.
9. To the Combined Federal Campaign in connection with payroll deductions for charitable contributions.
10. To the Office of Management and Budget and Department of the Treasury to provide required reports on financial management responsibilities.
11. To provide information, as necessary, to other federal, state, local or foreign agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized payments made to individuals. When disclosures are made under computer matching programs, EPA will comply with the Computer Matching and Privacy Protection Act of 1988.
12. To the Social Security Administration and the Department of Health and Human Services to provide information on newly hired employees for child support enforcement purposes.
13. To the Department of Health and Human Services in connection with the master personnel and payroll files for Public Health Service Officers.
14. To the Department of Interior to provide payroll processing services.
15. To Federal Retirement Benefit contractors to enable employees to receive retirement benefit calculations.
16. To disclose information to government training facilities (federal, state, and local) in review of Skillsoft's eLearning courses as part of Enterprise Human Resources Integration (EHRI).
17. To disclose information to EPA's Office of Civil Rights and the Equal Employment Opportunity Commission (EEOC) upon request to assist with investigations of alleged or possible discrimination practices in the federal sector and in response to the EEOC's request for records to use in the examination of an agency's compliance with affirmative action plan instructions and the Uniform Guidelines on Employee Selection Procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

- *Storage:* Records are maintained in paper, microfilm, microfiche, electronic, imaged and on computer printouts. Current and historical records are stored on magnetic media at the Department of the Interior's (DOI) central computer processing center located at the National Business Center, 7301 W. Mansfield Ave., Denver, CO 80235. Source documents are stored in standard office filing equipment and/or as imaged documents on magnetic media at all Agency human resource centers.
- *Retrievability:* Records are retrieved by the employee identification number, employee name and other identifiers.
- *Safeguards:* Computer records are maintained in a secure password-protected environment. Access to computer records is limited to those who have a need to know. Permission level assignments allow users to access only those functions for which they are authorized. Paper records are maintained in locked metal file cabinets. All records are maintained in secure, access-controlled areas or buildings.
- *Retention and Disposal:* The records contained in this system of records are covered by EPA record schedule 300 for purposes of retention and disposal.
- *System Manager(s) and Address:* Director, Office of Human Resources, Office of Administration and Resources Management, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., (MC 3601ARN), Washington, DC 20460 and Director, Office of Financial Services, Office of the Chief Financial Officer, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., (MC 2734R), Washington, DC 20460.

NOTIFICATION PROCEDURES:

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the EPA FOIA Office, Attn: Privacy Act Officer, MC 2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

RECORD ACCESS PROCEDURE:

Individuals seeking access to information in this system of records about themselves are required to provide adequate identification (e.g. driver's license, military identification card, employee badge or identification card and, if necessary, proof of authority). Additional identity verification procedures may be required, as warranted. Requests must meet the requirements of EPA regulations that implement the Privacy Act of 1974, at 40 CFR part 16.

CONTESTING RECORD PROCEDURE:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Requests must be submitted to the agency contact indicated on the initial document for which the related contested record was submitted.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by:

(a) The individual on whom the record is maintained.

(b) Agency officials.

(c) Consumer reporting agencies, debt collection agencies, the Department of the Treasury and other federal agencies.

(d) Federal Retirement Benefit contractors.

(e) Leave bank forms.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2014–13058 Filed 6–4–14; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board

Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 12, 2014, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

OPEN SESSION

A. *Approval of Minutes*

- May 8, 2014

B. *New Business*

- Investment Eligibility—Proposed Rule

C. *Reports*

- Annual Report on the Farm Credit System's Young, Beginning, and Small Farmer Mission Performance: 2013 Results
- Quarterly Report on Economic Conditions and FCS Conditions
- Semi-Annual Report on Office of Examination Operations

CLOSED SESSION*

- Office of Examination Supervisory and Oversight Activities Report

Dated: June 3, 2014.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2014–13268 Filed 6–3–14; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday June 10, 2014 At 10 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Matters concerning participation in civil actions or proceedings or arbitration.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2014–13219 Filed 6–3–14; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS14–06]

Appraisal Subcommittee Notice of Meeting

AGENCY: Federal Financial Institutions Examination Council

ACTION: Notice of meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location, 1850 K Street NW., Washington, DC 20006.

Date: June 11, 2014.

Time: 10:30 a.m.

Status: Open.

Reports

Chairman

Executive Director

Appraisal Foundation Agreed Upon Procedures Review

Delegated State Compliance Reviews

ASC Member Agency Monitoring

2013 ASC Annual Report

May 8, 2014 Annual Report Notation Vote

2015 Appraisal Foundation Grant

Action Items

April 9, 2014 minutes—Open Session

ASC Appraisal Foundation Grant Policy Amendment

Appraisal Subcommittee Advisory Committee

How To Attend and Observe an ASC meeting:

If you plan to attend the meeting in person, we ask that you notify the Federal Reserve Board via email at *appraisal-questions@frb.gov,* requesting a return meeting registration email. The Federal Reserve Law Enforcement Unit will then send an email message with a web link where you may provide your date of birth and social security number through their encrypted system. You may register until close of business June 4, 2014. You will also be asked to provide identifying information, including a valid government-issued photo ID, before being admitted to the meeting. Alternatively, you can contact Kevin Wilson at 202–452–2362 for other registration options. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: May 29, 2014.

James R. Park,

Executive Director.

[FR Doc. 2014–13032 Filed 6–4–14; 8:45 am]

BILLING CODE P

* Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2014–12672) published on page 31335 of the issue for Monday, June 2, 2014.

Under the Federal Reserve Bank of Dallas heading, the entry for Kenneth D. Willmon, individually and as co-trustee of AIM Bancshares, Inc. 401(k) and Employee Stock Ownership Program; Lanny B. Modawell; Marjorie Willmon; and Debra Willmon, all of Lubbock, Texas, is revised to read as follows:

1. *Kenneth D. Willmon, individually and as co-trustee of AIM Bancshares, Inc. 401(k) and Employee Stock Ownership Program; Lanny B. Modawell; Marjorie Willmon; and Debra Willmon,* all of Lubbock, Texas; to retain voting shares of AIM Bancshares, Inc., Levelland, Texas, and thereby indirectly retain voting shares of AimBank, Littlefield, Texas.

Comments on this application must be received by June 17, 2014.

In addition, this notice also corrects a notice (FR Doc. 2014–12361) published on page 30844 of the issue for Thursday, May 29, 2014.

Under the Federal Reserve Bank of Minneapolis heading, the entry for Carol A. Nelson, Baxter, Minnesota, and Lee W. Anderson, Tower, Minnesota, individually, and, with Doug B. Junker, Brainerd, Minnesota, as a group acting in concert, is revised to read as follows:

1. *Carol A. Nelson, Lake Shore, Minnesota, and Lee W. Anderson, Tower, Minnesota, individually, and, with Doug B. Junker, Brainerd, Minnesota,* as a group acting in concert; to acquire voting shares of Timberland Bancorp, Baxter, Minnesota, and thereby indirectly acquire voting shares of First National Bank of Buhl, Mountain Iron, Minnesota.

Comments on this application must be received by June 11, 2014.

Board of Governors of the Federal Reserve System, June 2, 2014.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2014–13040 Filed 6–4–14; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of New System of Records

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, CMS is establishing a new SOR titled, ''Open Payments,'' System No. 09–70–0507, to implement the requirements in Section 6002 of the Patient Protection and Affordable Care Act of 2010 (ACA) (Pub. L. 111–148), which added section 1128G to the Social Security Act (the Act). The Open Payments program requires applicable manufacturers and applicable Group Purchasing Organizations (GPOs) to report payments and other transfers of value to covered physician recipients as defined by 42 CFR 403.902, as well as certain ownership or investment interests held by physicians and/or their immediate family members in such applicable manufacturers and/or applicable GPOs. CMS is required to publish the data submitted by applicable manufacturers or GPOs on a public Web site.

DATES: *Effective Dates:* July 7, 2014. Written comments should be submitted on or before the effective date. HHS/CMS/Center for Program Integrity (CPI) may publish an amended SORN in light of any comments received.

ADDRESSES: The public should address comments to: CMS Privacy Officer, Privacy Policy Compliance Group, Office of E-Health Standards & Services, Office of Enterprise Management, CMS, 7500 Security Boulevard, Baltimore, MD 21244–1870, Mailstop: S2–24–25, Office: (410) 786–5357, Email: *walter.stone@cms.hhs.gov.* Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m.–3:00 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Data Sharing and Partnership Group, Center for Program Integrity, Centers for Medicare & Medicaid Services, 7210 Ambassador Road, Mail Stop AR–18–50, Baltimore, MD 21244. Email: *veronika.peleshchukfradlin@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION: Applicable Manufacturers and/or applicable GPOs are required to report payments and other transfers of value to covered physician recipients. Additionally, applicable manufacturers and/or applicable GPOs are required to report information pertaining to certain ownership or investment interests held by physicians and/or their immediate family members in such applicable manufacturers and/or applicable GPOs. Such reports are to be made annually to CMS in an electronic format. Applicable Manufacturers and/or applicable GPOs are subject to civil monetary penalties for failing to comply with the reporting requirements. CMS will publish the reported data on a public Web site. The data must be downloadable, easily searchable, and aggregated. In addition, CMS must submit annual reports to the Congress and each state summarizing the data reported.

Title 42 Code of Federal Regulations (CFR) 403.908(g) provides covered physician recipients and physicians who are owners or investors a 45-day review period to review data submitted about them and submit corrections prior to the data becoming available to the public. Additionally, 42 CFR 403.908(g)(3)(iv) and (v) provides covered physician recipients and physicians who are owners or investors an opportunity to dispute the accuracy of such information. Covered physician recipients and physician owners or investors will indicate which information regarding a specific payment or other transfer of value is being disputed. Applicable Manufacturers and/or applicable GPOs will receive a notification that a covered physician recipient and/or a physician who is an owner or investor is disputing reported information. The dispute resolution process is between the applicable manufacturers and/or the applicable GPOs, and the covered physician recipients and physicians who are owners or investors. If a dispute is resolved or if errors/omissions are discovered, the applicable manufacturer or applicable GPO is required to submit corrected data to CMS. Upon receipt, CMS notifies the affected covered physician recipient and/or the physician who is an owner or investor that the additional information has been submitted and is available for review. CMS updates the Web site at least once annually with corrected information.

The Privacy Act

The Privacy Act governs the collection, maintenance, use, and dissemination of certain information about individuals by agencies of the Federal Government.

A ''SOR'' is a group of any records under the control of a Federal agency from which information about individuals is retrieved by name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a description of the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system to make agency recordkeeping practices transparent, to notify individuals regarding the uses to which their records are put, and to assist individuals to more easily find such files within the agency.

System Number: 09–70–0507

SYSTEM NAME:

Open Payments System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Lockheed Martin's Virtual Data Center hosted by Terremark Network Access Point (NAP) of the National Capital Region (NCR) facility located at Culpeper, Virginia and CMS Data Center, Baltimore, Maryland 21244–1850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain information about the following categories of individuals covered by the Open Payments program: (1) Physicians and authorized representatives of physicians and teaching hospitals and, (2) any applicable manufacturers and applicable GPO system users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information collected about applicable manufacturers or applicable GPOs includes but is not limited to profile information for the company and users interacting with the Open Payments system on the applicable manufacturers or applicable GPOs' behalf. Such information includes but may not be limited to user first name and last name, business contact information and job title.

Information collected about physicians in the Open Payments system includes but is not limited to physician's name, specialty, business address, business phone number, National Provider Identifier (NPI) number, state license numbers, types and descriptions as to the nature and form of payments received from applicable manufacturers or applicable GPOs, amounts of payments, natures and context of payments and dates of payments. With respect to payments that were made in relation to a particular covered drug, device, biological, or medical supply, the name of that covered drug, device, biological, or medical supply shall also be reported. With respect to physicians who hold certain ownership or investment interests in such manufacturers and/or GPOs, or who have immediate family members who hold such ownership or investment interests in such manufacturers and/or GPOs, collected information will include the dollar amount invested; the value and terms of such ownership or investment, and information pertaining to any payment or other transfer of value provided to a physician holding such an ownership interest.

Teaching hospital information also includes profile information for the users interacting with the Open Payments system on the hospital's behalf. Such information includes but may not be limited to user's first name and last name, business contact information, and job title.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the SOR is given by Title 42 U.S.C. § 1128G [42 U.S.C. 1320a–7h].

PURPOSE(S) OF THE SYSTEM:

The purpose(s) of this SOR is to maintain information submitted by applicable manufacturers and/or applicable GPOs regarding payments or other transfers of value provided to covered physician recipients, as well as certain ownership or investment interests in such entities held by physicians and/or their immediate family members. CMS may use information from this system to: (1) Support regulatory, reimbursement, and policy functions performed by Agency contractors, consultants, or CMS grantees; (2) assist Federal agencies and their fiscal agents in performing the statutory functions of the Open Payments; (3) assist applicable manufacturers or applicable GPOs with the statutory reporting requirements; (4) comply with the requirements of 42 U.S.C. 1320a–7h, and publish the information submitted on a public Web site; (5) support research and program evaluation activities; (6) support litigation involving the agency; (7) assist with fraud, waste, and abuse detection and prevention activities; (8) assist agencies, entities, contractors, or persons tasked with the response and remedial efforts in the event of a breach of information, and (9) assist the U.S. Department of Homeland Security (DHS) cyber security personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from Open Payments without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We propose to establish the following routine use disclosures of information maintained in the system:

1. To support Agency personnel, contractors, consultants, or CMS grantees who have been engaged by the Agency to assist in accomplishment of a CMS function relating to the purposes for this collection and who need to have access to the records in order to assist CMS.

2. To assist another Federal, agency of a State government, an agency established by State law, or its fiscal agents with information that is necessary and/or required in order to perform the statutory functions of Open Payments.

3. To provide applicable manufacturers and applicable GPOs with information they need to meet any statutory requirements of the program, assist with other reports as required by CMS, and to assist in the implementation of statutory reporting requirements.

4. To comply with the requirements of Section 6002 of the ACA and 42 CFR Part 403 to publish payment or other transfers of value and investment interest information submitted by applicable manufacturers or applicable GPOs on a public Web site. CMS will notify covered recipients, physician owners and investors, and applicable manufacturers or applicable GPOs when data are available for public viewing via a public announcements and listserv messages.

5. To support an individual or organization for research, program evaluation or epidemiological projects related to transparency initiatives around financial relationships between drug and medical device manufacturers and physicians, and teaching hospitals.

6. To provide information to the U.S. Department of Justice (DOJ), a court, or an adjudicatory body when (a) the Agency or any component thereof, or (b) any employee of the Agency in his or her official capacity, or (c) any

employee of the Agency in his or her individual capacity where the DOJ has agreed to represent the employee, or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court, or adjudicatory body is compatible with the purpose for which the agency collected the records;

7. To assist a CMS contractor (including, but not limited to Medicare Administrative Contractors, fiscal intermediaries, and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such program;

8. To assist another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency), that administers or that has the authority to investigate potential fraud, waste or abuse in a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste or abuse in such programs;

9. To disclose records to appropriate Federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, and the information disclosed is relevant and necessary for that assistance; and

10. To assist the U.S. Department of Homeland Security (DHS) cyber security personnel, if captured in an intrusion detection system used by HHS and DHS pursuant to the Einstein 2 program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored is a relational database in CMS Virtual Data Center hosted by Terremark Network Access Point (NAP) of the National Capital Region (NCR) facility located at Culpeper, Virginia.

RETRIEVABILITY:

Information about physicians and their authorized representatives may be retrieved by any of these personal identifiers: physicians' name, address, license number, or National Provider Identifier (NPI). Profile information about applicable manufacturer and GPO system users may be retrieved by these identifiers: applicable manufacturers or applicable GPOs' DUNS, name and address. Information may be extracted through a backend database access or through a business intelligence reporting tool by authorized personnel.

SAFEGUARDS:

Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

Access to records in the Open Payments database system will be limited to CMS personnel and contractors through password security, encryption, firewalls, and secured operating system. Any electronic copies which contain information about an individual at CMS and contractor locations will be kept in secure electronic files.

RETENTION AND DISPOSAL:

All records in the Open Payments database will be maintained for a period of up to 10 years from the end of the calendar year in which files were made publically available on CMS Web site. Any records that are needed longer, such as audit or other exceptions, will be retained until such matters are resolved.

SYSTEM MANAGER AND ADDRESS:

Director, Data Sharing and Partnership Group, Center for Program Integrity, Centers for Medicare & Medicaid Services, 7210 Ambassador Road, Mail Stop AR–18–50, Baltimore, MD 21244.

NOTIFICATION PROCEDURE:

Physician covered recipients and physicians who are owners or investors, as well as members of their immediate families will be notified by CMS via an online posting and notifications on CMS's listservs. They may also register with CMS to receive notification about the review processes.

RECORD ACCESS PROCEDURE:

Physician covered recipients and physicians who are owners or investors, as well as representatives from teaching hospitals, applicable manufacturers and GPOs will be able log into the Open Payments system through a secure Web site to directly view records pertaining to them for the previous reporting year as well as access their profile information.

CONTESTING RECORD PROCEDURES:

Title 42 Code of Federal Regulations (CFR.) § 403.908(g) provides covered physician recipients and physicians who are owners or investors, as well as teaching hospitals, a 45-day review period to review data submitted about them and dispute its accuracy and completeness prior to the data becoming available to the public. Additionally, 42 CFR 403.908(g) (3) (iv) and (v) provides covered physician recipients and physicians who are owners or investors an opportunity to dispute the accuracy of such information. Covered recipients and physicians who are owners or investors will indicate which information regarding a specific payment or other transfer of value is being disputed. Applicable Manufacturers and/or applicable GPOs will receive a notification that a covered recipient or physician owner or investor is disputing reported information. The dispute resolution process is between applicable manufacturers, applicable GPOs, covered recipients and physician owners or investors. When a dispute is resolved and/or errors or omissions are discovered, 42 C.F.R § 403.908(g)(4) and (h)(1) require the applicable manufacturer or applicable GPO to submit corrected data to CMS. Upon receipt, CMS notifies the affected covered recipient or physicians who are owner or investor that the additional information has been submitted and is available for review. CMS updates the Web site at least once annually with corrected information after the initial publication.

RECORD SOURCE CATEGORIES:

Information collected and maintained in this database is submitted by applicable manufacturers and/or applicable GPOs.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Dated: May 30, 2014.

Niall Brennan,

Acting Director, Offices of Enterprise Management, Centers for Medicare & Medicaid Services.

[FR Doc. 2014–13012 Filed 5–30–14; 5:00 pm]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Freedom of Information Act (FOIA) Online Request Form

OMB No.:

Description: The proposal is for an online form for filing a request for ACF documents under the Freedom of Information Act (FOIA). The form prompts requesters to provide all the information necessary to ensure the most efficient processing of the request: name, address, telephone number, email address, description of the documents sought, date or time frame for the documents sought, limit on fees requester is willing to pay, whether expedited processing or a fee waiver is sought and the justification for the waiver or expedited processing. The online form is voluntary; it is provided purely for the convenience of the requester and is not required to file a FOIA request.

Respondents: Individuals, private organizations, businesses, state or local governments seeking access to ACF records under the FOIA.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
FOIA Online Request Form	200	1.15	.25	58
Estimated Total Annual Burden Hours:				58

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–13043 Filed 6–4–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Low Income Home Energy Assistance Program Performance Measures.

OMB No.: New Collection.

Description

The Low Income Home Energy Assistance Program (LIHEAP) block grant (42 U.S.C. 8621 *et seq.*) was established under Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35. The Office of Community Services (OCS) within the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF) administers LIHEAP at the federal level.

The LIHEAP statute requires HHS to develop performance measures and report to Congress annually on program impacts on recipient and eligible households. The primary program goals, as articulated in the statute, are to ensure that benefits are targeted to those households where the greatest program impacts are expected, and to assure that timely resources are available to households experiencing home energy crises.

OCS is seeking authorization to collect data from all state grantees and the District of Columbia that will establish performance indicators of the impact of LIHEAP services on its recipients. Specific data elements OCS is seeking to collect are detailed below.

Broken down by main heating fuel type, report for all households receiving any type of LIHEAP-funded energy bill assistance *and* for all high energy burden households receiving any type of LIHEAP-funded energy bill assistance (''high energy burden households'' is defined as the top 25% of all bill assistance households sorted by energy burden for that state):

- Total number of unduplicated households receiving LIHEAP-funded energy bill assistance. Note that the total number of unduplicated households served with LIHEAP funds is a current reporting requirement for the LIHEAP Household Report—Long Form. This new requirement is in addition to that requirement and is a slight variation in that grantees will be asked to exclude households receiving only LIHEAP services that are not related to payment of energy bills (such as weatherization assistance or heating/cooling equipment repairs/replacements).
- Average household income.

• Average household benefit. Note that the average LIHEAP cash benefit is currently a required reporting element for the LIHEAP Grantee Survey. In the Grantee Survey, state grantees are required to report the average benefit, broken down by program component (heating assistance, cooling assistance, crisis assistance, etc.). This new reporting requirement would be in addition to and is a slight variation on the existing requirement, in that state grantees will be asked to add all the different component cash benefits together and report average benefits broken down by client fuel type, such as fuel oil, natural gas, electricity, etc.

• Annual cost of main heating fuel.

• Annual electricity cost.

• Annual consumption of main heating fuel (optional).

• Annual consumption of electricity (optional).

For all households, by main heating fuel, report the:

• Number of households where utility service termination was prevented.

• Number of households where a fuel delivery prevented a loss of service.

• Number of households where heating or cooling equipment was repaired or replaced prior to failure.

• Number of households where utility service was restored

• Number of households where a fuel delivery was made to a home that was out of fuel

• Number of households where broken heating or cooling equipment was fixed due to being inoperable.

Based on the data collected from grantees through the ACF On-Line Data Collection System (OLDC), OCS will calculate performance measures and report the results through the annual budget development process and in the annual LIHEAP Report to Congress. The data will help inform ACF and grantees about the impact LIHEAP has with respect to LIHEAP households' home energy burden (the proportion of their income spent towards their home heating and cooling bills), restoring home energy service, and preventing loss of home energy service. Once the data are published in the LIHEAP Report to Congress, grantees will be able to compare their own results to the results for other states, as well as to regional and national results, through the LIHEAP Performance Measurement Web site.

Respondents

ACF published a **Federal Register** notice on June 6, 2013 soliciting 60 days of public comment on requiring new LIHEAP performance measures. ACF received comments regarding the first **Federal Register** notice from LIHEAP grantees, LIHEAP sub-grantees, utility companies, national energy assistance associations, and individual low-income advocates. In response to the issues and concerns raised by the comments to the first **Federal Register** Notice, ACF has made several adjustments to its proposed data collection, as summarized below.

Previously Required Data Elements Will Be Optional

In an effort to address concerns about the burden of reporting, some previously required data elements are now being proposed as optional. Specifically, household utility consumption data and supplemental fuel and air conditioning expenditure and consumption data, originally required for the energy burden reduction measure, will be optional for all grantees. Grantees will be encouraged to collect this information wherever possible so that OCS can identify best practices, strategies, and benefits associated with this information.

Burden Reduction Sampling Plans To Be Developed

OCS also is developing best practice information to demonstrate to grantees how to collect the highest quality data with the lowest burden. As part of that effort, OCS is working collaboratively with state grantees that already collect the required data to develop an effective vendor and client sampling procedure that will furnish performance indicators within the targeted precision guidelines. ACF is planning to require that grantees obtain data the largest five electric and natural gas companies (by numbers of LIHEAP households served) and the largest ten fuel oil vendors (if applicable), largest ten propane vendors (if applicable), and largest ten other vendors that have automated information systems.

In addition to the revisions made in response to public comments, ACF has also decided to merge this proposed data form with the LIHEAP Grantee Survey form. The Grantee Survey is a form that is required of all state grantees and the District of Columbia. The form has been used by ACF since the early 1980's. It last received OMB clearance for fiscal years 2011–2014, under OMB clearance number 0970–0076. ACF proposes adding the previously cleared content with only two minor adjustments—a clarification to the instructions to grantees about the average household benefit amounts calculation and the addition of data fields needed for the performance impact data relating to the average household benefit by fuel type. This data will then be prepopulated into the performance impact section of the form to allow ACF to make the necessary calculations for the performance data. Grantees will submit this combine LIHEAP Performance Data Form to ACF by January 15th of each year. The grantee survey section of the form will be due beginning January 15, 2015 (same data as normally required annually), and the remaining sections of the form (performance impact data) will begin to be due annually starting January 15, 2016 regarding the prior federal fiscal year.

Annual Burden Estimates

The incremental burden associated with collecting the required data elements and furnishing reports to ACF through OLDC will be different for each grantee. Preliminary information from grantees has shown that some already collect extensive data on client energy expenditures and client service disruptions, while others have little or no data available to support the proposed reports. ACF is using the information collected on all state grantees capacity for this data collection requirement to develop individualized technical assistance to states to build their capacity for successfully providing valid and reliable data. ACF has already begun implementing technical assistance and training to state grantees regarding the proposed data.

ACF conducted in-depth interviews with a small number of Best Practice grantees to learn more about their system development procedures and the annual burden hours required to implement their data collection and reporting systems. ACF found that some systems were designed to address both program administration and performance measurement goals, while others were mainly focused on performance measurement goals. The lowest burden systems are those that are focused on performance measurement goals. The burden estimates listed below assume that the **required** incremental burden should be limited to the incremental burden associated with performance measurement data collection and reporting only.

The table below shows the estimated data collection and reporting burden for the performance impact data. These estimates are based on a small number of interviews with grantees, sub-grantees, and energy vendors that are currently reporting data in that way.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Grantees	51	1	100	5,100
Sub-Grantees (in states with sub-grantee managed systems)	[1] 200	1	80	16,000
Large Energy Vendors (largest 5 electric, 5 gas, 10 fuel oil, and 10 propane vendors per state—average)	[1] 1,530	1	40	61,200
Small Energy Vendors (excluded except in special circumstances)	200	1	10	2,000
Total Annual Burden Hours	1,981	1	([2])	84,300

[1] Estimate.
[2] Varies.

The following burden estimates pertain to the grantee survey section of the form:

ANNUAL BURDEN ESTIMATES FOR LIHEAP PERFORMANCE DATA FORM: PART I—LIHEAP GRANTEE SURVEY

	Number of respondents	Number of responses per respondent	Average hour burden per response	Total burden hours
Grantees	51	1	3.5	178.50

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–13031 Filed 6–4–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0627]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; General Administrative Procedures: Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 7, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0183. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

General Administrative Procedures: Citizen Petitions; Petition for Reconsideration or Stay of Action; Advisory Opinions—(OMB Control Number 0910–0183)—Extension

The Administrative Procedures Act (5 U.S.C. 553(e)), provides that every Agency shall give an interested person the right to petition for issuance, amendment, or repeal of a rule. Section 10.30 (21 CFR 10.30) sets forth the format and procedures by which an interested person may submit to FDA, in accordance with § 10.20 (21 CFR 10.20) (Submission of documents to Division of Dockets Management), a citizen petition requesting the Commissioner of Food and Drugs (the Commissioner) to issue, amend, or revoke a regulation or order, or to take or refrain from taking any other form of administrative action.

The Commissioner may grant or deny such a petition, in whole or in part, and may grant such other relief or take other action as the petition warrants. Respondents are individuals or households, State or local governments, not-for-profit institutions, or groups.

Section 10.33 (21 CFR 10.33) issued under section 701(a) of the Federal,

Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 371(a)), sets forth the format and procedures by which an interested person may request reconsideration of part or all of a decision of the Commissioner on a petition submitted under 21 CFR 10.25 (Initiation of administrative proceedings). A petition for reconsideration must contain a full statement in a well-organized format of the factual and legal grounds upon which the petition relies. The grounds must demonstrate that relevant information and views contained in the administrative record were not previously or not adequately considered by the Commissioner. The respondent must submit a petition no later than 30 days after the decision involved. However, the Commissioner may, for good cause, permit a petition to be filed after 30 days. An interested person who wishes to rely on information or views not included in the administrative record shall submit them with a new petition to modify the decision. FDA uses the information provided in the request to determine whether to grant the petition for reconsideration. Respondents to this collection of information are individuals of households, State or local governments, not-for-profit institutions, and businesses or other for-profit institutions who are requesting from the Commissioner of FDA a reconsideration of a matter.

Section 10.35 (21 CFR 10.35), issued under section 701(a) of the FD&C Act, sets forth the format and procedures by which an interested person may request, in accordance with § 10.20 (Submission of documents to Division of Dockets Management), the Commissioner to stay the effective date of any administrative action.

Such a petition must do the following: (1) Identify the decision involved; (2) state the action requested, including the length of time for which a stay is requested; and (3) include a statement of the factual and legal grounds on which the interested person relies in seeking the stay. FDA uses the information provided in the request to determine whether to grant the petition for stay of action.

Respondents to this information collection are interested persons who choose to file a petition for an administrative stay of action.

Section 10.85 (21 CFR 10.85), issued under section 701(a) of the FD&C Act sets forth the format and procedures by which an interested person may request, in accordance with § 10.20 (Submission of documents to Division of Dockets Management), an advisory opinion from the Commissioner on a matter of general applicability. An advisory opinion represents the formal position of FDA on a matter of general applicability. When making a request, the petitioner must provide a concise statement of the issues and questions on which an opinion is requested, and a full statement of the facts and legal points relevant to the request.

Respondents to this collection of information are interested persons seeking an advisory opinion from the Commissioner on the Agency's formal position for matters of general applicability.

In the **Federal Register** of March 20, 2014 (79 FR 15594), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
10.30	207	1	207	24	4,968
10.33	4	1	4	10	40
10.35	5	1	5	10	50
10.85	4	1	4	16	64
Total					5,122

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates for this collection of information are based on Agency records.

On December 19, 2013, FDA published a technical amendment (78 FR 76748) announcing that the Agency is modernizing its administrative regulations regarding submission of citizen petitions to explicitly provide for electronic submission. The current regulation does not recognize electronic methods for submitting citizen petitions; thus, this action will enable efficiency and ease in the filing of citizen petitions.

The Agency still allows for non-electronic submissions; however, electronic submissions of a citizen petition to a specific electronic docket presents a simpler and more straightforward approach. FDA has created a single docket on *http://www.regulations.gov*, the U.S. Government's consolidated docket Web site for Federal Agencies, for the initial electronic submission of all citizen petitions. The FDA Electronic Method for Submission of Citizen Petitions Docket, Docket No. FDA 2013–S–0610, allows the petitioner to create an electronic submission through *http://www.regulations.gov* and provides an alternative to the current system of submission for citizen petitions.

Electronic submissions through *http://www.regulations.gov* will provide the submitter with an immediate record of the time of submission. FDA's Division of Dockets Management (DDM) (*http://www.fda.gov/RegulatoryInformation/Dockets/default.htm*) will continue to inform the submitter of formal filing; however, tracking will be more easily accomplished through electronic submission.

DDM will receive the electronically submitted citizen petition through the Federal Dockets Management System, the Agency component of *http://www.regulations.gov*. Subsequently, DDM will review the electronic submission and when it accepts the citizen petition for filing, DDM will assign a docket number to that petition, different from the FDA electronic submission docket number. This unique docket number from DDM identifies the docket for that particular citizen petition for all future filings and submissions related only to that citizen petition. Subsequent submissions associated with that citizen petition will refer to the assigned unique docket number. The advantage to this change is that it ensures efficiency and ease in

communication, quicker interaction between citizen petitioners and FDA, and easier access to FDA to seek input through the citizen petition process.

Dated: May 29, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13037 Filed 6–4–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0110]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prescription Drug Advertisements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 7, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0686. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Prescription Drug Advertisements—(OMB Control Number 0910–0686)—Extension

Section 502(n) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 352(n)) requires that manufacturers, packers, and distributors (sponsors) who advertise prescription human and animal drugs, including biological products for humans, disclose in advertisements certain information about the advertised product's uses and risks. For prescription drugs and biologics, section 502(n) of the FD&C Act requires advertisements to contain ''. . . a true statement . . .'' of certain information including ''. . . information in brief summary relating to side effects, contraindications, and effectiveness . . .'' as required by regulations issued by FDA. FDA's prescription drug advertising regulations at § 202.1 (21 CFR 202.1) describe requirements and standards for print and broadcast advertisements. Section 202.1 applies to advertisements published in journals, magazines, other periodicals, and newspapers, and advertisements broadcast through media such as radio, television, and telephone communication systems. Print advertisements must include a brief summary of each of the risk concepts from the product's approved package labeling (§ 202.1(e)(1)). Advertisements that are broadcast through media such as television, radio, or telephone communications systems must disclose the major risks from the product's package labeling in either the audio or audio and visual parts of the presentation (§ 202.1(e)(1)); this disclosure is known as the ''major statement''. If a broadcast advertisement omits the major statement, or if the major statement minimizes the risks associated with the use of the drug, the advertisement could render the drug misbranded in violation of section 502(n) of the FD&C Act, section 201(n) of the FD&C Act (21 U.S.C. 321(n)), and FDA's implementing regulations at § 202.1(e).

Advertisements subject to the requirements at § 202.1 are subject to the Paperwork Reduction Act of 1995 (the PRA) because these advertisements disclose information to the public. In addition, § 202.1(e)(6) and (j) include provisions that are subject to OMB approval under the PRA.

Reporting to FDA

Section 202.1(e)(6) permits a person who would be adversely affected by the enforcement of a provision of § 202.1(e)(6) to request a waiver from FDA for that provision. The waiver request must set forth clearly and concisely the petitioner's interest in the advertisement, the specific provision of § 202.1(e)(6) from which a waiver is sought, a complete copy of the advertisement, and a showing that the advertisement is not false, lacking in fair balance or otherwise misleading, or otherwise violative of section 502(n) of the FD&C Act.

Section 202.1(j), which sets forth requirements for the dissemination of advertisements subject to the standards in § 202.1(e), contains the following information collection that is subject to the PRA:

Under § 202.1(j)(1), a sponsor must submit advertisements to FDA for prior approval before dissemination if: (1) The sponsor or FDA has received information that has not been widely publicized in medical literature that the use of the drug may cause fatalities or serious damage; (2) FDA has notified the sponsor that the information must be part of the advertisements for the drug; and (3) the sponsor has failed to present to FDA a program for assuring that such information will be publicized promptly and adequately to the medical profession in subsequent advertisements, or if such a program has been presented to FDA but is not being followed by the sponsor. Under § 202.1(j)(1)(iii), a sponsor must provide to FDA a program for assuring that significant new adverse information about the drug that becomes known (i.e., use of drug may cause fatalities or serious damage) will be publicized promptly and adequately to the medical profession in any subsequent advertisements. Under § 202.1(j)(4), a sponsor may voluntarily submit advertisements to FDA for comment prior to publication.

Disclosures to the Public

Under § 202.1, advertisements for human and animal prescription drug and biological products must comply with the standards described in that section.

Under § 202.1(j)(1), if information that the use of a prescription drug may cause fatalities or serious damage has not been widely publicized in the medical literature, a sponsor must include such information in the advertisements for that drug.

In the **Federal Register** of February 27, 2014 (79 FR 11112), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
202.1(e)(6)—Waiver request to FDA	1	1	1	12	12
202.1(j)(1)—Submission of advertisement to FDA for prior approval	1	1	1	2	2
202.1(j)(1)(iii)—Providing a program to FDA for assuring that adverse information about the drug will be publicized	1	1	1	12	12
202.1(j)(4)—Voluntarily submitting the advertisement to FDA prior to publication for comment	113	6	678	20	13,560
Total					13,586

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR Section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
202.1—Advertisements prepared in accordance with § 202.1	541	46.5	25,157	400	10,062,800
202.1(j)(1)—Including information about the drug's fatalities or serious damage in the advertisement	1	1	1	40	40
Total					10,062,840

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: May 30, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13015 Filed 6–4–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–N–0444]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Focus Groups as Used by the Food and Drug Administration (All Food and Drug Administration-Regulated Products)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 7, 2014.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0497. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Focus Groups as Used by the Food and Drug Administration (All FDA-Regulated Products)—(OMB Control Number 0910–0497)—Extension

FDA conducts focus group interviews on a variety of topics involving FDA-regulated products, including drugs, biologics, devices, food, tobacco, and veterinary medicine.

Focus groups provide an important role in gathering information because they allow for a more indepth understanding of consumers' attitudes, beliefs, motivations, and feelings than do quantitative studies. Focus groups serve the narrowly defined need for direct and informal opinion on a specific topic and as a qualitative research tool have three major purposes:

- To obtain consumer information that is useful for developing variables and measures for quantitative studies,
- To better understand consumers' attitudes and emotions in response to topics and concepts, and
- To further explore findings obtained from quantitative studies.

FDA will use focus group findings to test and refine ideas but will generally conduct further research before making important decisions such as adopting new policies and allocating or redirecting significant resources to support these policies.

In the **Federal Register** of February 18, 2014 (79 FR 9222), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Focus Group Interviews	1,440	1	1,440	1.75	2,520

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Annually, FDA projects about 20 focus group studies using 160 focus groups with an average of 9 persons per group, and lasting an average of 1.75 hours each. FDA is requesting this burden for unplanned focus groups so as not to restrict the Agency's ability to gather information on public sentiment of its proposals in its regulatory and communications programs.

Dated: May 30, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13016 Filed 6–4–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0424]

Agency Information Collection Activities; Proposed Collection; Comment Request; Temporary Marketing Permit Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice invites comments on reporting requirements contained in existing FDA regulations governing temporary marketing permit applications.

DATES: Submit either electronic or written comments on the collection of information by August 4, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Temporary Marketing Permit Applications—21 CFR 130.17(c) and (i) (OMB Control Number 0910–0133—Extension)

Section 401 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 341) directs FDA to issue regulations establishing definitions and standards of identity for food ''[w]henever . . . such action will promote honesty and fair dealing in the interest of consumers. . . .'' Under section 403(g) of the FD&C Act (21 U.S.C. 343(g)), a food that is subject to a definition and standard of identity prescribed by regulation is misbranded if it does not conform to such definition and standard of identity. Section 130.17 (21 CFR 130.17) provides for the issuance by FDA of temporary marketing permits that enable the food industry to test consumer acceptance and measure the technological and commercial feasibility in interstate commerce of experimental packs of food that deviate from applicable definitions and standards of identity. Section 130.17(c) enables the Agency to monitor the manufacture, labeling, and distribution of experimental packs of food that deviate from applicable definitions and standards of identity. The information so obtained can be used in support of a petition to establish or amend the applicable definition or standard of identity to provide for the variations. Section 130.17(i) specifies the information that a firm must submit to FDA to obtain an extension of a temporary marketing permit.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
130.17(c)/Request for Permit	13	2	26	25	650
130.17(i)/Request for Extension	1	2	2	2	4
Total					654

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated number of temporary marketing permit applications and hours per response is an average based on our experience with applications received for the past 3 years, and information from firms that have submitted recent requests for temporary marketing permits. Based on this information, we estimate that there will be, on average, approximately 13 firms submitting requests for 2 temporary marketing permits per year over the next 3 years.

Thus, we estimate that 13 respondents will submit 2 requests for temporary marketing permits annually pursuant to § 130.17(c). The estimated number of respondents for § 130.17(i) is minimal because this section is seldom used by the respondents; therefore, the Agency estimates that there will be one or fewer respondents annually with two or fewer requests for extension of the marketing permit under § 130.17(i). The estimated number of hours per response is an average based on the Agency's experience and information from firms that have submitted recent requests for temporary marketing permits. We estimate that 13 respondents each will submit 2 requests for temporary marketing permits under § 130.17(c) and that it will take a respondent 25 hours per request to comply with the requirements of that section, for a total of 650 hours. We estimate that one respondent will submit two requests for extension of its temporary marketing permits under § 130.17(i) and that it will take a respondent 2 hours per request to comply with the requirements of that section, for a total of 4 hours.

Dated: May 29, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–13041 Filed 6–4–14; 8:45 am]

BILLING CODE 4160–01–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) Autism Intervention Research Network on Behavioral Health and Autism Intervention Research Network on Physical Health programs.

SUMMARY: HRSA will be issuing a 1-year non-competitive continuation budget period beyond the planned 3-year project period for the Autism Intervention Research Network on Behavioral Health (AIR–B Network) and the Autism Intervention Research Network on Physical Health (AIR–P Network) programs. Approximately $1,500,000 in funding will be made available in the form of a cooperative agreement to the University of California Los Angeles (UCLA), Cooperative Agreement Number UA3MC11055, during the budget period of September 1, 2014, through August 31, 2015. Approximately $3,000,000 in funding will be made available in the form of a cooperative agreement to the Massachusetts General Hospital (MGH), Cooperative Agreement Number UA3MC11054, during the budget period of September 1, 2014, through August 31, 2015.

The AIR–B Network (UA3MC 11055) and the AIR–P Network (UA3MC11054) programs, CFDA No. 93.110, are authorized by the Public Health Service Act, § 399BB(f) (42 U.S.C. 280i-1(f)), as amended by the Combating Autism Reauthorization Act of 2011 (Pub. L. 112–32), which is scheduled to sunset on September 30, 2014.

The AIR–B Network is an interdisciplinary, multi-site network of researchers working together with communities to provide national leadership in research to improve the behavioral, mental, social, and/or cognitive health and wellbeing of children and adolescents with autism spectrum disorders (ASD) and other developmental disabilities. The AIR–B Network conducts protocol-based research to advance effective intervention strategies aimed at improving social and behavioral health and well-being among underserved children and adolescents with ASD, in both home and school settings; provides a research environment that is supportive of the professional development of emerging researchers interested in autism intervention research; disseminates critical information on its research findings to inform researchers, care providers, policymakers, other stakeholders in the field, and the public, including families with children and adolescents with ASD; and promotes the translation of network findings into practice settings and communities that will result in improved care.

The AIR–P Network is an interdisciplinary, multi-site research network of clinicians and researchers that provides national leadership in research to improve the physical health and well-being of children and adolescents with autism spectrum disorders (ASD) and other developmental disabilities. The AIR–P Network conducts protocol-based research to advance effective treatment strategies; develops and updates evidence-based guidelines and validates tools for interventions; provides a research environment that supports the professional development of emerging researchers interested in autism intervention research; disseminates critical information on its research findings to inform researchers, care providers, policymakers, other stakeholders in the field, and the public, including families with children and adolescents with ASD; and promotes the translation of findings into practice settings and communities that will result in improved care.

SUPPLEMENTARY INFORMATION:

Intended Recipients of the Award: The grantees of record (listed below).

Amount of the Non-Competitive Award:

- Up to $1,500,000 (AIR–B Network);
- Up to $3,000,000 (AIR–P Network).

CFDA Number: 93.110.

Current Project Period: 09/01/2011—08/31/2014.

Period of Funding: 9/1/2014–8/31/2015.

Authority: Public Health Service Act, § 399BB(f) (codified at 42 U.S.C. 280i–1(f)) and the Combating Autism Act of 2006 (Pub. L. 109–416), as amended by the Combating Autism Reauthorization Act of 2011 (Pub. L. 112–32), which is scheduled to sunset on 9/30/2014.

Justification: MCHB is extending funding for the currently funded AIR–B Network on and AIR–P Network programs by 1 year because the authority for these programs is scheduled to sunset on September 30, 2014, and a potential lapse in the authorization would result in the inability to continue to support them.

Should the legislation be reauthorized, a 1-year extension, beginning on September 1, 2014, will allow the grantees to wrap up current studies; strengthen dissemination efforts to stakeholders including providers, researchers, families, and partners in schools and communities that regularly serve children and adolescents with ASD and their families; and strengthen educational opportunities in communities by enhancing partnerships for community-based participatory research. The networks will also strengthen efforts in completing data analyses, manuscript submissions, and other products, and develop efforts within the approved scope of work for completion during the 1-year extension.

Because research networks are planned and developed as multi-year projects, without reauthorization, these projects will be initiated but not completed as planned. Should reauthorization not occur, the programs can be completed by the end of the 1-year extension on August 31, 2015. Delaying the competing cycle of the programs by 1 year will also allow MCHB to further examine these autism research networks and develop more effective programs, given the developing science in autism intervention. This will enable MCHB to better address emerging needs from HRSA's perspective and respond to any legislative authority.

FOR FURTHER INFORMATION CONTACT: Robin Harwood, Ph.D. and Hae Young Park, M.P.H., Division of Research, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 18A–55, Rockville, Maryland 20857; *rharwood@hrsa.gov*, and *hpark@hrsa.gov.*

Grantee/organization name	Grant number	State	Fiscal year 2013 authorized funding level	Fiscal year 2014 estimated funding
The University of California Los Angeles	UA3MC11055	CA	$1,850,000	$1,500,000
The Massachusetts General Hospital	UA3MC11054	MA	3,997,517	3,000,000

Dated: May 29, 2014.

Mary K. Wakefield,

Administrator.

[FR Doc. 2014–13002 Filed 6–4–14; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications/contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee F, Institutional Training and Education.

Date: June 19, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Cancer Institute, Room 2W904, 9609 Medical Center Drive, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Timothy C. Meeker, MD, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–8329, 240–276–6464, *meekert@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Cancer Institute Special Emphasis Panel; Atomic Bomb Survivors.

Date: June 19, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, National Cancer Institute, Room 7W102, 9609 Medical Center Drive, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Thomas M. Vollberg, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W102, Rockville, MD 20850, 240–276–6341, *vollbert@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 2, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–13099 Filed 6–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute (NCI) Ad hoc Clinical Trials Strategic Planning Subcommittee of the NCI Clinical Trials and Translational Research Advisory Committee (CTAC), July 8, 2014, 2:00 p.m. to July 8, 2014, 3:00 p.m., National Cancer Institute Shady Grove, Shady Grove, 9609 Medical Center Drive, 6West CCCT Huddle Room, Rockville, MD, 20850 which was published in the **Federal Register** on May 8, 2014, 79 FR 26441.

This notice is being amended to change the meeting type to a webinar. The meeting will be open to the public. Pertinent information related to the webinar is as follows:

Go to: *https://cbiit.webex.com/cbiit/j.php?MTID=m3d3b0b1886a6e7b32fbf568ae44f6915*

Meeting Password: ctac.

Meeting Number: 735 128 827.

Audio Connection

1. Provide your number when you join the meeting to receive a call back. Alternatively, you can call the following number: Dial In Number: 1–240–276–6338.

2. Follow the instructions that you hear on the phone. Your Cisco Unified MeetingPlace meeting ID: 730 501 868.

Dated: May 31, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–13025 Filed 6–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Autism Coordinating Committee (IACC or Committee) meeting.

The purpose of the IACC meeting is to discuss committee business, agency updates and issues related to autism spectrum disorder (ASD) research and services activities. The meeting will be open to the public and will be accessible by webcast and conference call.

Name of Committee: Interagency Autism Coordinating Committee (IACC).

Type of meeting: Open Meeting.

Date: July 8, 2014.

Time: 9:00 a.m. to 5:00 p.m.* Eastern Time

* Approximate end time.

Agenda: To discuss committee business, updates and issues related to ASD research and services activities.

Place: National Institute of Mental Health, The Neuroscience Center, 6001 Executive Boulevard, Conference Rooms C and D, Rockville, Maryland 20852.

Webcast Live: http://videocast.nih.gov/.

Conference Call

Access: Dial: 888–946–7606, Access code: 9653752.

Cost: The meeting is free and open to the public.

Registration: Pre-registration is recommended to expedite check-in. Seating in the meeting room is limited to room capacity and on a first come, first served basis. To register, please visit: *www.iacc.hhs.gov.*

Deadlines: Notification of intent to present oral comments: Monday, June 30, 2014 by 5:00 p.m. ET. Submission of written/electronic statement for oral comments: Tuesday, July 1, 2014 by 5:00 p.m. ET. Submission of written comments: Tuesday, July 1, 2014 by 5:00 p.m. ET.

Please note: The NIMH Office of Autism Research Coordination (OARC) anticipates that written public comments received by 5:00 p.m. ET, Tuesday, July 1, 2014 will be presented to the Committee prior to the July 8th meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, July 1, 2014 deadline through July 7, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies.

For IACC Public Comment guidelines, please see: *http://iacc.hhs.gov/public-comment/index.shtml.*

Access: White Flint Metro Station (Red Line).

Contact Person: Ms. Lina Perez, Office of Autism Research Coordination, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6182A, Bethesda, MD 20892–9669, Phone: 301–443–6040, Email: *IACCPublicInquiries@mail.nih.gov.*

Public Comments

Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Monday, June 30, 2014, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral presentation/statement including a brief description of the organization represented by 5:00 p.m. ET on Tuesday, July 1, 2014. Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments and presentations will be limited to three to five minutes per speaker, depending on the number of speakers to be accommodated within the allotted time. Speakers will be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline.

In addition, any interested person may submit written comments to the IACC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET on Tuesday, July 1, 2014. The comments should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. NIMH anticipates written public comments received by 5:00 p.m. ET, Tuesday, July 1, 2014 will be presented to the Committee prior to the meeting for the Committee's consideration. Any written comments received after the 5:00 p.m. EST, July 1, 2014 deadline through July 7, 2014 will be provided to the Committee either before or after the meeting, depending on the volume of comments received and the time required to process them in accordance with privacy regulations and other applicable Federal policies. All written public comments and oral public comment statements received by the deadlines for both oral and written public comments will be provided to the IACC for their consideration and will become part of the public record.

In the 2009 IACC Strategic Plan, the IACC listed the ''Spirit of Collaboration'' as one of its core values, stating that, ''We will treat others with respect, listen to diverse views with open minds, discuss submitted public comments, and foster discussions where participants can comfortably offer opposing opinions.'' In keeping with this core value, the IACC and the NIMH Office of Autism Research Coordination (OARC) ask that members of the public who provide public comments or participate in meetings of the IACC also seek to treat others with respect and consideration in their communications and actions, even when discussing issues of genuine concern or disagreement.

Remote Access

The meeting will be open to the public through a conference call phone

number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the webcast or conference call, please send an email to *helpdeskiacc@gmail.com* or by phone at 415–652–8023.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least 5 days prior to the meeting.

Security

In the interest of security, visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit upon entrance to the Neuroscience Center. Also as a part of security procedures, attendees should be prepared to present a photo ID at the meeting registration desk during the check-in process. Pre-registration is recommended. Seating will be limited to the room capacity and seats will be on a first come, first served basis, with expedited check-in for those who are pre-registered.

Meeting schedule subject to change.

Information about the IACC is available on the Web site: *http://www.iacc.hhs.gov*.

Dated: May 30, 2014.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–13026 Filed 6–4–14; 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: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

Date: June 12–13, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Waterfront, 700 Aliceanna Street, Baltimore, MD 21202.

Contact Person: Amy L Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301–408–9754, *rubinsteinal@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Molecular Targets for Cancer Intervention.

Date: June 30, 2014.

Time: 7:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Careen K Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301)435–3504, *tothct@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pain and Chemosensory Neuroscience.

Date: July 1–2, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HG–14–001: BD2K–LINCS-Perturbation Data Coordination and Integration Center.

Date: July 2, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD.

Contact Person: James J Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurogenesis and Cell Fate Study Section.

Date: July 2, 2014.

Time: 9:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Ave. NW., Washington, DC 20036.

Contact Person: Joanne T Fujii, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, *fujiij@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 30, 2014.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–13027 Filed 6–4–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: 2015 National Survey on Drug Use and Health (OMB No. 0930–0110)—Revision

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

In order to continue producing current data, SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ) must periodically update aspects of the NSDUH to reflect the

changing substance use and mental health issues and to continue producing current data. CBHSQ has such plans for the 2015 NSDUH survey year to achieve two goals: (1) Revise the questionnaire to address changing policy and research data needs, and (2) modify the survey methodology to improve the quality of estimates and the efficiency of data collection and processing.

Planned revisions for the 2015 NSDUH to the questionnaire, methodology and materials, including an assessment of new computer equipment, were initially tested in 2012 as part of the NSDUH Questionnaire Field Test (QFT) (OMB No. 0930–0334), then further refined and tested again in 2013 during the NSDUH Dress Rehearsal (DR) (OMB No. 0930–0334). As such, most of the changes described herein were successfully tested as part of the QFT and/or DR unless otherwise specified.

The changes to the questionnaire content for 2015 will include: (a) Revisions to modules for smokeless tobacco, hallucinogens, inhalants, prescription drugs, special drugs, consumption of alcohol, and health care; (b) revisions to the educational attainment response categories; (c) a lower threshold of binge alcohol use for females; (d) a new methamphetamine module; (e) addition of two sexual orientation questions to be asked of adults; and (f) revisions to back-end demographics questions. Also, to aid respondent recall within the questionnaire, prescription drug images and a reference date calendar will display on the computer screen rather than being displayed in hard-copy, paper form.

There are a few additional changes to the questionnaire content for 2015 not tested during the DR, which include: (a) The term ''Molly'' will be added to questions about Ecstasy in the hallucinogens module; (b) routine updates to logic and wording for consistency and to maximize respondent comprehension; and (c) other minor changes to questions throughout the instrument to clarify intent.

Several changes are also planned to the methodology for 2015 in an effort to improve the efficiency of data collection and processing; these were tested during the QFT and DR. A new 7-inch touch screen tablet will be used for screening and interview respondent selection, in addition to a new lightweight laptop used to administer the questionnaire. Also redesigned versions of the lead letter (mailed to respondents prior to being contacted by an interviewer) and a question & answer brochure will be provided to respondents. As necessary, all materials provided to respondents for 2015 will be updated to now reference the U.S. Department of Health and Human Services (instead of U.S. Public Health Service) and any previous mention of the Contractor, Research Triangle Institute, will now appear as RTI International. Due to changes to the questionnaire content, the showcard booklet, which allows respondents to refer to information necessary for accurate responses, will contain fewer showcards.

Along with the new laptop, text to speech (TTS) software is being programmed and tested for implementation within the questionnaire for 2015. TTS uses a computer-generated voice to read text displayed on-screen, rather than relying on the pre-recorded audio files from a human voice used previously with the audio computer-assisted self-interviewing (ACASI) portions of the interview. Though TTS was not tested as part of the QFT or DR, during an evaluation of the software, there were no problems understanding any words or phrases produced by the TTS voices in English or Spanish, so it will be implemented for the 2015 NSDUH unless there is a significant problem shown during testing. If TTS is not implemented, the current method of using pre-recorded audio files will be continued for the 2015 NSDUH.

In addition, interviewers will now have the option of showing a short video via the multimedia capability of the touch screen tablet. The video (approx. 50 seconds in run time) will provide a brief explanation of the study and why participation is important. Also contained within the tablet and new for 2015 is a parental introductory script, designed to be read to a parent or guardian once a youth respondent is selected to complete an interview. This script will standardize the introductory conversations with parent/guardians.

As with all NSDUH/NHSDA (prior to 2002, the NSDUH was referred to as the National Household Survey on Drug Abuse (NHSDA)) surveys conducted since 1999, the sample size of the survey for 2015 will be sufficient to permit prevalence estimates for each of the fifty States and the District of Columbia. The sample design for 2015 will be the same as the design used for 2014 data collection. This design places more sample in the 26 or older age groups to more accurately estimate drug use and related mental health measures among the aging drug use population, and allows for the possible adoption of address-based sampling in the future. The total annual burden estimate is shown in Table 1.

TABLE 1—ANNUALIZED ESTIMATED BURDEN FOR 2015 NSDUH

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	125,176	1	125,176	0.083	10,390
Interview	67,507	1	67,507	1.000	67,507
Screening Verification	3,755	1	3,755	0.067	252
Interview Verification	10,126	1	10,126	0.067	678
Total	125,176		125,176		78,827

Written comments and recommendations concerning the proposed information collection should be sent by July 7, 2014 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov*. Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory

Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2014–13028 Filed 6–4–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Protection and Advocacy for Individuals With Mental Illness (PAIMI) Annual Program Performance Report (OMB No. 0930–0169)—Extension

The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act at 42 U.S.C. 10801 et seq., authorized funds to the same protection and advocacy (P&A) systems created under the Developmental Disabilities Assistance and Bill of Rights Act of 1975, known as the DD Act (as amended in 2000, 42 U.S.C. 15001 et seq.]. The DD Act supports the Protection and Advocacy for Developmental Disabilities (PADD) Program administered by the Administration on Intellectual and Developmental Disabilities (AIDD) within the Administration on Community Living. AIDD is the lead federal P&A agency. The PAIMI Program supports the same governor-designated P&A systems established under the DD Act by providing legal-based individual and systemic advocacy services to individuals with significant (severe) mental illness (adults) and significant (severe) emotional impairment (children/youth) who are at risk for abuse, neglect and other rights violations while residing in a care or treatment facility.

In 2000, the PAIMI Act amendments created a 57th P&A system—the American Indian Consortium (the Navajo and Hopi Tribes in the Four Corners region of the Southwest). The Act, at 42 U.S.C. 10804(d), states that a P&A system may use its allotment to provide representation to individuals with mental illness, as defined by section 42 U.S.C. 10802 (4)(B)(iii) residing in the community, including their own home, only, if the total allotment under this title for any fiscal year is $30 million or more, and in such cases an eligible P&A system must give priority to representing PAIMI-eligible individuals, as defined by 42 U.S.C. 10802(4)(A) and (B)(i).

The Children's Health Act of 2000 (CHA) also referenced the state P&A system authority to obtain information on incidents of seclusion, restraint and related deaths [see, CHA, Part H at 42 U.S.C. 290ii–1]. PAIMI Program formula grants awarded by SAMHSA go directly to each of the 57 governor-designated P&A systems. These systems are located in each of the 50 states, the District of Columbia, the American Indian Consortium, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

The PAIMI Act at 42 U.S.C. 10805(7) requires that each P&A system prepare and transmit to the Secretary HHS and to the head of its State mental health agency a report on January 1. This report describes the activities, accomplishments, and expenditures of the system during the most recently completed fiscal year, including a section prepared by the advisory council (the PAIMI Advisory Council or PAC) that describes the activities of the council and its independent assessment of the operations of the system.

The Substance Abuse Mental Health Services Administration (SAMHSA) proposes no revisions to its annual PAIMI Program Performance Report (PPR), including the advisory council section, at this time for the following reasons: (1) AIDD is currently piloting a PADD PPR. The results of the pilot will not be available until October 2014 (FY 2015). (2) when the AIDD/ACL PPR is final, SAMHSA will revise its PPR, as appropriate, for consistency with the annual reporting requirements under the PAIMI Act and Rules [42 CFR Part 51]; (3) SAMHSA will develop a mechanism to facilitate electronic submission of the annual PAIMI PPR and ACR as recommended in the *Evaluation of the Protection and Advocacy for Individuals with Mental Illness (PAIMI) Program, Phase III. Evaluation Report al Report* (SAMHSA (2011). *Evaluation of the Protection and Advocacy for Individuals With Mental Illness (PAIMI) Program, Phase III. Final Report.* HHS Pub. No. PEP12–EVALPAIMI. Rockville, MD: CMHS, SAMHSA). (4) GPRA requirements for the PAIMI Program will be revised as appropriate to ensure that SAMHSA obtains information that closely measures actual outcomes of programs that it funds and (5) SAMHSA will reduce wherever feasible the current reporting burden by removing any information that does not facilitate evaluation of the programmatic and fiscal effectiveness of a state P&A system. The current report formats will be effective for the FY 2014 PPR reports due on January 1, 2015.

The annual burden estimate is as follows:

	Number of respondents	Number of responses per respondent	Hours per response	Total hour burden
Program Performance Report	57	1	26	1,482
Advisory Council Report	57	1	10	570
Total	57			2,052

Written comments and recommendations concerning the proposed information collection should be sent by July 7, 2014 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to

send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2014–13029 Filed 6–4–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number DHS–2013–0052]

National Environmental Policy Act Implementing Procedures

AGENCY: Department of Homeland Security.

ACTION: Notice of Proposed Revisions to National Environmental Policy Act implementing procedures and request for comments.

SUMMARY: The purpose of this notice is to provide an opportunity for public comment on the Department of Homeland Security (DHS or Department) draft Directive 023–01, Rev. 01 and draft Instruction Manual 023–01–001–01, Rev. 01, Implementation of the National Environmental Policy Act (herein after referred to as Directive and Instruction). Together, the Directive and Instruction serve as the Department's procedures for implementing the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), as amended, and the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR Parts 1500–1508). Pursuant to the CEQ regulations, DHS is soliciting comments on its proposed internal Directive and Instruction from members of the interested public.

DATES: Comments and related material must be received on or before (or, if mailed, postmarked on or before) August 4, 2014 to ensure consideration. Late comments may be considered to the extent practicable.

ADDRESSES: Relevant documents are posted at *http://www.regulations.gov* (Docket ID: DHS–2013–0052) and *www.dhs.gov/nepa.* These documents include: this notice, the proposed Directive and Instruction, and a synopsis of the Department's administrative record for several proposed new NEPA categorical exclusions (CATEXs).

You may submit comments, identified by ''DHS NEPA Procedures,'' by one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments electronically via docket number DHS–2013–0052.

(2) *Mail:* Sustainability and Environmental Programs, Office of the Chief Readiness Support Officer, Management Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0075, Washington, DC 20528–0075.

(3) *Email: SEP–EPHP@hq.dhs.gov.*

In choosing among these means of providing comments, please give due regard to the security screening difficulties and delays associated with delivery of mail to federal agencies in Washington, DC, through the U.S. Postal Service.

All comments received, including any personal information provided, will become a part of the public record for the Department's NEPA procedures and may be posted without change on the internet at *http://www.regulations.gov* and *http://www.dhs.gov/nepa.*

FOR FURTHER INFORMATION CONTACT: Laura Shick, Environmental Protection Specialist, Department of Homeland Security, 202–603–3517, or *laura.shick@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Department of Homeland Security (DHS or Department) encourages interested persons to submit written data, views, or comments. Persons submitting comments should include their name, address, and other appropriate contact information. You may submit your comments and material by one of the means listed under **ADDRESSES.** If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they were received, please enclose a stamped, self-addressed postcard or envelope. DHS will consider all comments received during the comment period.

The Directive and Instruction establish the policy and procedures DHS follows to comply with NEPA (42 U.S.C. 4321 et seq.) and the CEQ regulations (40 CFR Parts 1500–1508). Together, the Directive and Instruction apply to all of DHS, which is currently comprised of over 20 support and operational components, and help ensure the integration of environmental stewardship into DHS decision making as required by NEPA. The Directive and Instruction serve as the DHS implementing procedures for NEPA and the CEQ regulations (as required by 40 CFR 1505.1 and 1507.3) and therefore must be read in conjunction with the CEQ regulations.

The Directive and Instruction have been substantially revised to address a number of circumstances and requirements that have arisen since April 19, 2006, the effective date of the original DHS procedures (**Federal Register**, Vol. 71, No. 64, April 4, 2006). Revision of the Directive and Instruction, including additions to the Department's list of NEPA categorical exclusions (CATEXs), was a collaborative effort on the part of numerous DHS environmental and legal professionals from across the Department. These professionals are NEPA practitioners and environmental protection specialists with numerous years of federal NEPA experience, including experience in implementing the 2006 DHS NEPA procedures or Component-specific procedures, and legal practitioners with advanced education and experience advising federal agency project and program managers on NEPA compliance. The DHS Components and offices whose staff contributed to the update of the Directive and Instruction include:

- Sustainability and Environmental Programs (SEP), Office of the Chief Readiness Support Officer, Under Secretary for Management, DHS HQ
- Office of the General Counsel, DHS HQ
- Federal Emergency Management Agency (FEMA)
- United States Coast Guard (USCG)
- Customs and Border Protection (CBP)
- Transportation Security Administration (TSA)
- Immigration and Customs Enforcement (ICE)
- Federal Law Enforcement Training Center (FLETC)
- United States Secret Service (USSS)
- Science and Technology Directorate (S&T)
- National Protection and Programs Directorate (NPPD)
- United States Citizenship and Immigration Services (USCIS)

When originally published in 2006, the Directive and Instruction did not apply to the Components of FEMA, CBP, or USCG; these three Components each maintained their own procedures for implementing NEPA when the Department was established in 2002. This proposed revision to the Directive and Instruction incorporates FEMA, CBP, and USCG into the Department's NEPA procedures and addresses the full scope of DHS activities to which NEPA

applies. When the updated procedures are finalized and become effective, they will apply to all Components of DHS, including FEMA, CBP, and USCG. In addition, every Component will have the option of developing Supplemental Instructions to establish how that particular Component will meet the requirements of the final version of the DHS Directive and Instruction. In a separate yet related effort, FEMA will pursue rescission of its regulations at 44 CFR 10 and replace them with Supplemental Instructions that conform to requirements of the final version of the DHS Directive and Instruction.

As the Department has matured, the requirements of its Directives System have changed. The current DHS Directives System, effective as of August 2012, establishes standards for the length, format, and content of documents such as policies, delegations of authority, directives, instructions, manuals, handbooks, etc. The 2006 Directive and Instruction do not align to the requirements of the Department's current Directives System, and therefore revisions were necessary. For example, a directive must be used to establish policy as well as high-level roles and responsibilities, and cannot exceed five pages in length; an instruction accompanies a directive and provides detail on how to comply with the requirements of the directive, such as by establishing specific roles and responsibilities, processes, systems, and program management requirements. The revised Directive establishes the policy that DHS will comply with NEPA, and the revised Instruction establishes the procedures for ensuring this compliance is implemented in an effective and efficient manner.

The requirements put forth in the revised Directive and Instruction emphasize that the NEPA process must be appropriately integrated into the performance of DHS missions and activities and decision making. The Instruction covers the following: overview of NEPA requirements, including requirements for the preparation and content of NEPA documents; management of NEPA implementation in DHS; criteria for Components to obtain a delegation of authority to approve their respective NEPA reviews; public involvement; dispute resolution; information protected from public disclosure; procedures for emergencies; review of applications from persons or organizations outside of DHS (e.g., grant applications); and an identification of the types of DHS activities normally reviewed in a CATEX, Environmental Assessment, or Environmental Impact Statement.

Revisions were also made to the Directive and Instruction to address the requirements of laws and Executive Orders since 2006, as well as to incorporate recent CEQ guidance memoranda. Readability, clarity, and organization of the content were improved to comply with the requirements of the Plain Writing Act of 2010. The revised Instruction incorporates CEQ guidance on mitigation and monitoring; establishing and applying CATEXs; emergencies; preparation of efficient and timely environmental reviews; and environmental collaboration and conflict resolution.

The CATEXs published in 2006 are being retained and are included in the revised Instruction (Appendix A, Table 1). In addition, the following new CATEXs are proposed: One CATEX for an administrative activity; five CATEXs for real property management activities; 13 CATEXs for non-grant activities unique to FEMA's mission and authorities; and 19 CATEXs for federal assistance (e.g., grant) activities. DHS followed the CEQ guidance memorandum on ''Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act,'' dated November 23, 2010, in developing these new CATEXs. For synopses of the administrative record support for the Department's list of existing and proposed new CATEXs, see the docket and the DHS NEPA Web page at *http://www.dhs.gov/nepa.*

There are currently approximately 80 federal assistance programs in DHS (see the Catalogue of Federal Domestic Assistance (CFDA) at *https://www.cfda.gov* for the list of programs). The majority of these programs are administered by FEMA. Applicants use federal assistance from DHS, such as grant funding, to implement a variety of emergency preparedness, response, and recovery and hazard mitigation activities and projects, ranging from classroom training and purchases of portable equipment to laboratory research to facility repair, renovation, and construction. Because these activities are federally-assisted, DHS, in coordination with the recipients of grants or other assistance, must ensure they are compliant with NEPA. DHS is proposing several CATEXs for its federal assistance activities because DHS has determined these activities would normally not have the potential to have an individually or cumulatively significant impact on the quality of the human environment. These CATEXs will help ensure the timely and effective delivery of DHS assistance in an environmentally compliant fashion. These proposed new CATEXs are included in the Instruction in Appendix A, Table 1, Section N.

Several statutes, authorities, programs, and activities are unique to FEMA (i.e., not relevant to or undertaken by any other DHS component) and therefore additions to the list of CATEXs include several developed specifically for FEMA activities that would not normally have the potential to have individually or cumulatively significant impacts on the quality of the human environment. These include activities associated with the administration of the National Flood Insurance Program, and emergency and disaster response and recovery and hazard mitigation activities authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288) as amended. These proposed new CATEXs are included in the Instruction in Appendix A, Table 1, Section M.

DHS invested over three years in developing the proposed revision to its NEPA procedures. The revised Directive and Instruction were provided to CEQ in the fall of 2013 for discussion prior to this publication for public comment. CEQ will remain engaged and be asked to issue a letter prior to publication of the final Directive and Instruction as required under 40 CFR 1507.3. The Directive and Instruction published here in the **Federal Register** are available for a 60-day public comment period. The comments received will be analyzed and any appropriate revisions will be made to the documents. The Directive and Instruction revised in response to public comments will be shared with CEQ prior to final adoption and implementation. A Notice of Final Directive and Instruction will be published in the **Federal Register** with a 120-day waiting period before the new NEPA procedures become effective. This notice will present the response to the public comments received on the proposed revised Directive and Instruction.

A copy of this **Federal Register** publication and the proposed Directive and Instruction and supporting documents are available on the internet at *www.regulations.gov* and *http://www.dhs.gov/nepa.*

Dated: May 29, 2014.

Teresa R. Pohlman,

Director of Sustainability and Environmental Programs.

[FR Doc. 2014–13035 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–0040]

Waterway Suitability Assessment for Liquefied Hazardous Gas Facilities; Freeport, TX

AGENCY: Coast Guard, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Coast Guard, at Sector Houston-Galveston, announces receipt of a Letter of Intent (LOI) and Waterways Suitability Assessment (WSA) for a proposed construction project to modify existing petroleum product import/export facilities to add Liquefied Hazardous Gas (LHG) operations in Freeport, Texas. The LOI and WSA were submitted by Phillips 66. The Coast Guard is notifying the public of this action to solicit public comments on the proposed construction to add Liquefied Hazardous Gas (LHG) operations to the existing facility.

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

ADDRESSES: You may submit comments identified by docket number USCG–2014–0040 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice of availability, call or email LTjg William Stewart, U.S. Coast Guard; telephone 409–978–2730, email *William.a.stewart@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments: The Coast Guard encourages public participation. We request that you submit comments and related materials in response to this notice. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice, USCG–2014–0040, and provide a reason for each suggestion or recommendation. You may submit your comments and related material online at *http://www.regulations.gov*, or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number (USCG–2014–0040) in the ''SEARCH'' box and click ''SEARCH.'' Then click on ''Submit a Comment'' on the line associated with this notice.

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

Viewing comments and documents: To view comments, go to *http://www.regulations.gov*, type the docket number (USCG–2014–0040) 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.

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

Public meeting: We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If, based on requests or comments received, the Coast Guard determines that a public meeting would aid this evaluation and subsequent recommendation, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Discussion: Under 33 CFR 127.007, an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LNG or LHG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with a proposed facility or modification to an existing facility, must submit an LOI to the Captain of the Port (COTP) of the zone in which the facility is or will be located. Under 33 CFR 127.009, after receiving an LOI, the COTP issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG or LHG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors outlined in 33 CFR 127.009 that relate to the physical nature of the affected waterway and issues of safety and security associated with LNG or LHG marine traffic on the affected waterway.

The purpose of this notice is to solicit public comments on the proposed construction project to modify existing facilities to add LHG operations as submitted by Phillips 66 in Freeport, Texas. Input from the public may be useful to the COTP with respect to developing the LOR. The Coast Guard requests comments to help assess the suitability of the associated waterway for increased LHG marine traffic as it relates to navigation, safety, and security.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities.'' NVIC 01–2011 provides guidance for owners and operators seeking approval to construct and operate LNG facilities. While NVIC 01–2011 is specific to LNG, it provides useful process information

and guidance for owners and operators seeking approval to construct and operate or expand LHG facilities as well. The Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating the project included in the LOI and WSA submitted by Phillips 66. A copy of NVIC 01–2011 is available for viewing in the public docket for this notice and also on the Coast Guard's Web site at *http://www.uscg.mil/hq/cg5/nvic/2010s.asp*.

This notice is issued under authority of 33 U.S.C. 1223–1225, Department of Homeland Security Delegation Number 0170.1(70), 33 CFR 127.009, and 33 CFR 103.205.

Dated: May 21, 2014.

B.K. Penoyer,

Captain, U.S. Coast Guard, Captain of the Port Houston-Galveston, Texas.

[FR Doc. 2014–13145 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0012; OMB No. 1660–0004]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Application for Participation in the National Flood Insurance Program (NFIP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

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

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, facsimile number (202) 212–4701, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Application for Participation in the National Flood Insurance Program (NFIP).

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0004.

Form Titles and Numbers: FEMA Form 086–0–30, Application for Participation in the National Flood Insurance Program.

Abstract: The National Flood Insurance Program (NFIP) provides flood insurance to the communities that apply for participation and make a commitment to adopt and enforce land use control measures that are established to reduce risk to people and property in flood-prone areas. The application form and supporting documentation will enable FEMA to continue to rapidly process new community applications and to thereby more quickly provide flood insurance protection to the residents in these communities.

This collection has been updated to account for the burden hours associated with the communities' floodplain development permitting process. To qualify for the NFIP, a participating community must adopt certain minimum standards in accordance with FEMA's regulations at 44 CFR 60.3, 60.4, and 60.5. In order to verify whether communities maintain such standards, the NFIP requires participating communities to retain documentation on development taking place in the flood hazard areas within the community. 44 CFR 59.22. Such information will be made available to FEMA upon request. This information assists FEMA in evaluating the effectiveness of a community's floodplain management program and, through that, the community's continuing eligibility to participate in the program. In the past, the NFIP application did not account for burden hours associated with this collection of information.

The Application for Participation in the NFIP and the Community Development Permit Process are separate actions documented under the same collection.

Affected Public: State, local or Tribal Government.

Estimated Number of Respondents: 20,344.

Estimated Total Annual Burden Hours: 221,121 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $9,382,164.30. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $74,788.

Dated: May 28, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–13090 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0019; OMB No. 1660–0103]

Agency Information Collection Activities: Proposed Collection; Comment Request; Property Acquisition and Relocation for Open Space

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Property Acquisition and Relocation for Open Space process as part of the administration of FEMA's mitigation grant programs.

DATES: Comments must be submitted on or before August 4, 2014.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2014–3–0019. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Regulatory Affairs Division, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. 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 read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Cecelia Rosenberg, Grants Policy Branch Chief, FEMA, FIMA—Risk Reduction Division, (202) 646–3321 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 646–3347 or email address: *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION: Regulations implementing Property Acquisition and Relocation for Open Space are codified at 44 CFR part 80. These regulations govern property acquisitions for the creation of open space under all of FEMA's hazard mitigation assistance (HMA) grant programs: The Pre-Disaster Mitigation program (PDM) and Hazard Mitigation Grant Program (HMGP), which are authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121–5207; and the Flood Mitigation Assistance Program (FMA) authorized under the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 *et seq.* Acquisition and relocation of property for open space use is one of the most common mitigation activities and is an eligible activity type authorized for Federal grant funds under PDM, HMGP, and FMA. FEMA HMA programs require all properties acquired with FEMA funds to be deed restricted and maintained as open space in perpetuity. This ensures that no future risks from hazards occur to life or structures on that property, and no future disaster assistance or insurance payments are made as a result of damages to that property. This extension of a currently approved collection of information is necessary to establish uniform requirements for State and local implementation of acquisition activities, and to enforce open space maintenance and monitoring requirements for properties acquired with FEMA mitigation grant funds.

Collection of Information

Title: Property Acquisition and Relocation for Open Space.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0103.

FEMA Forms: FEMA Form 086–0–31, Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space.

Abstract: FEMA and State and local recipients of FEMA mitigation grant programs will use the information collected to meet the Property Acquisition requirements to implement acquisition activities under the terms of grant agreements for acquisition and relocation activities. FEMA and State/local grant recipients will also use the information to monitor and enforce the open space requirements for all properties acquired with FEMA mitigation grants.

Affected Public: State, local or Tribal Government; Individuals or Households.

Number of Respondents: 2,296.

Number of Responses: 4,499.

Estimated Total Annual Burden Hours: 11,225 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form No.	No. of respondents	No. of responses per respondent	Total No. of responses	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
Individuals or Households.	Property Owners Voluntary Participation Statements/FEMA Form 086–0–31.	2,240	1	2240	1 hour	2240	$27.38	$61,331.20
State, Local, and Tribal Government.	States Review and Submit Deed Restrictions/No Form.	56	40	2240	4 hours ..	8960	$67.73	$606,860.80
State, Local, and Tribal Government.	State Officials Reporting Requirements/No Form.	56	0.333	19	1.3 (1 hour and 18 minutes).	25	$67.73	$1,693.25
State, Local, and Tribal Government.	Transfer Certification/No Form.	.....	.....	.....	.....	.....	.....	.....

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondent	Form name/ form No.	No. of respondents	No. of responses per respondent	Total No. of responses	Avg. burden per response (in hours)	Total annual burden (in hours)	Avg. hourly wage rate	Total annual respondent cost
State, Local, and Tribal Government.	Enforcement Notices/No Form.	.....	.....	.....	.....	.....	.....	.....
Total	.....	2,296	.....	4,499	.....	11,225	.....	$669,885.25

• Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $669,885.25. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $870,374.00.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Dated: May 22, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–13093 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0004; OMB No. 1660–0013]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Exemption of State-Owned Properties Under Self-Insurance Plan

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

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

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Exemption of State-Owned Properties Under Self-Insurance Plan.

Type of information collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0013.

Form Titles and Numbers: None.

Abstract: States can request an exemption to the requirement of purchasing flood insurance on State-owned properties through the submission of sufficient supporting documentation certifying that the plan of self-insurance upon which the application for exemption is based meets or exceed the standards of coverage required for flood and flood-related hazards.

Affected Public: State, local, or Tribal Government.

Estimated Number of Respondents: 20.

Estimated Total Annual Burden Hours: 5 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $8,296. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is $5,355.

Dated: May 14, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–13110 Filed 6–4–14; 8:45 am]

BILLING CODE 9110–11–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2014–0006; OMB No. 1660–0011]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Debt Collection Financial Statement

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

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

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *oira.submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472–3100, facsimile number (202) 646–3347, or email address *FEMA-Information-Collections-Management@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Collection of Information

Title: Debt Collection Financial Statement.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0011.

Form Titles and Numbers: FEMA Form 127–0–1, Debt Collection Financial Statement.

Abstract: FEMA may request debtors to provide personal financial information on FEMA Form 127–0–1 concerning their current financial position. With this information, FEMA evaluates whether to allow its debtors to pay their FEMA debts under installment repayment agreements and if so, under what terms. FEMA also uses this data to determine whether to compromise, suspend, or terminate collection efforts on respondent's debts. This data is also used to locate the debtor's assets if the debts are sent for judicial enforcement.

Affected Public: Individuals or households.

Estimated Number of Respondents: 2,000.

Estimated Total Annual Burden Hours: 1,500 hours.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $50,610.00. There are no annual costs to respondents' operations and maintenance costs for technical services. There is no annual start-up or capital costs. On February 18, 2014, FEMA published a Notice for this information collection. 79 FR 9251. In that Notice, FEMA indicated that the cost to the Federal Government was $189,319.75. The cost of a U.S. postage stamp has increased, however, from $0.46 to $0.49, and as a result, FEMA adjusts the total cost to the Federal Government to $189,380.88 to reflect this change in the price of postage.

Dated: May 14, 2014.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support Bureau, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2014–13138 Filed 6–4–14; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5765–N–02]

Notice of a Federal Advisory Committee Meeting: Manufactured Housing Consensus Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of a Federal Advisory Committee Meeting, Manufactured Housing Consensus Committee.

SUMMARY: This notice announces a teleconference meeting of the Manufactured Housing Consensus Committee (MHCC) and provides the schedule and proposed agenda. The teleconference meeting is open to the public. The agenda provides an opportunity for citizens to comment on the business before the MHCC.

DATES: The teleconference meeting will be held on June 26, 2014, from 1:00 p.m. to 4:00 p.m. EST. The teleconference number is: US Toll-Free: 888–741–3106, Conference ID: 54144750.

FOR FURTHER INFORMATION CONTACT: Pamela Beck Danner, Administrator and Designated Federal Official (DFO), Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 Seventh Street SW., Room 9168, Washington, DC 20410, telephone 202–708–6423 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5. U.S.C. App. 10(a)(2) through implementing regulations at 41 CFR 102–3.150. The MHCC was established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 *et seq.*) as amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569). According to 42 U.S.C. 5403, as amended, the purposes of the MHCC are to:

- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards;
- Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring; and
- Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment: Citizens wishing to comment on the business of the MHCC are encouraged to register by or before June 24, 2014, by BLH Technologies, Inc., Attention; Antoinette Price by mail to: 1803 Research Boulevard, Suite 300, Rockville, MD 20850, or by email to: *aprice@blhtech.com.*

Written comments are encouraged. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda. Advance registration is strongly encouraged. The MHCC will also provide an opportunity for public

comment on specific matters before the consensus committee.

Tentative Agenda

June 26, 2014 from 1:00 p.m. to 4:00 p.m. EST

I. Opening Remarks: Chair & DFO
II. Update on Manufactured Housing Program Actions
III. Minutes of October 2012 MHCC Meeting—Review and Approval
IV. Structure & Design Subcommittee Meeting Report
V. Old Business—Review of Recommendations Pending before MHCC
VI. New Business—Review Items Forwarded to MHCC by HUD
- Southern Pine, Letter Dated—April 10, 2014
- Supply Air Ducts, Letter Dated—May 1, 2014
- GAO Report—Recommendations on Ventilation Systems and Air Quality, Transmittal Letter Dated—January 9, 2013

VII. Adjourn: 4:00pm

Dated: June 2, 2014.

Pamela Beck Danner,

Administrator, Office of Manufactured Housing Programs.

[FR Doc. 2014–13089 Filed 6–4–14; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–FHC–2014–N088; FVHC98130406900–XXX–FF04G01000]

Deepwater Horizon Oil Spill; Final Programmatic and Phase III Early Restoration Plan and Final Early Restoration Programmatic Environmental Impact Statement

AGENCY: Department of the Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), notice is hereby given that the Federal and State natural resource trustee agencies (Trustees) have prepared a Final Programmatic and Phase III Early Restoration Plan and Final Early Restoration Programmatic Environmental Impact Statement (Final Phase III ERP/PEIS). The Final Phase III ERP/PEIS considers programmatic alternatives comprised of early restoration project types that would restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill and related response actions. The Trustees additionally propose to select 44 specific early restoration projects for implementation that are consistent with the proposed preferred early restoration program alternative. The Trustees have developed restoration alternatives and projects to utilize funds for early restoration being provided under the Framework for Early Restoration Addressing Injuries Resulting from the *Deepwater Horizon* Oil Spill (Framework Agreement) discussed below. The Final Phase III ERP/PEIS evaluates these programmatic restoration alternatives and projects under criteria set forth in the natural resource damage assessment regulations and the Framework Agreement. The Final Phase III ERP/PEIS also evaluates the environmental consequences of the restoration alternatives and projects under NEPA. The purpose of this notice is to inform the public of the availability of the Final Phase III ERP/PEIS.

ADDRESSES: *Obtaining Documents:* You may download the Final Phase III ERP/PEIS at *http://www.gulfspillrestoration.noaa.gov* or *http://www.doi.gov/deepwaterhorizon.* You may also view the Final Phase III ERP/PEIS at any of the public repositories listed at *http://www.gulfspillrestoration.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado at *nanciann_regalado@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On or about April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over a million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The State and Federal natural resource trustees (Trustees) are conducting the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses of natural resource services, and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the time restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete. Pursuant to the process articulated in the Framework Agreement the Trustees have previously selected, and BP has agreed to fund, a total of 10 early restoration projects, expected to total approximately $71 million, through the Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP) and Phase II Early Restoration Plan/Environmental Review (Phase II ERP). These plans are available at *http://www.gulfspillrestoration.noaa.gov/restoration/early-restoration/.*

The Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (USEPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality;
- The Department of Defense (DOD) is also a trustee of natural resources associated with DOD-managed land on the Gulf Coast, which is included in the ongoing NRDA; however DOD is not a signatory of the Framework Agreement nor a participant in this Phase III Early Restoration Plan.

Background

On April 20, 2011, BP agreed to provide up to $1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the *Deepwater Horizon* oil spill. The Framework Agreement represents a preliminary step toward the restoration of injured natural resources. The Framework Agreement is intended to expedite the start of restoration in the Gulf in advance of the completion of the injury assessment process. The Framework Agreement provides a mechanism through which the Trustees and BP can work together ''to commence implementation of early restoration projects that will provide meaningful benefits to accelerate restoration in the Gulf as quickly as practicable'' prior to the resolution of the Trustees' natural resource damages claim.

The Trustees actively solicited public input on restoration project ideas through a variety of mechanisms, including convening public meetings, distributing electronic communications, and use of the Trustee-wide public Web site and database to share information and receive public project submissions. The key objective in pursuing early restoration is to secure tangible recovery of natural resources and natural resource services for the public's benefit while the longer term process of fully assessing injury and damages is under way. The Trustees released, after public review of a draft, a Phase I Early Restoration Plan/Environmental Assessment (Phase I ERP/EA) in April 2012 (April 20, 2012, 77 FR 23741). Subsequently, the Trustees released, after public review of a draft, a Phase II Early Restoration Plan/Environmental Review (Phase II ERP/ER) in December 2012 (78 FR 8184).

The Trustees considered hundreds of projects leading to the identification of a potential 28 future early restoration projects announced in the May 6, 2013 **Federal Register** notice (78 FR 26319). On June 4, 2013, the Trustees announced their intent to prepare a Programmatic Environmental Impact Statement (PEIS) under OPA and the National Environmental Policy Act (NEPA) to evaluate the environmental consequences of early restoration project types, as well as to propose a Phase III Early Restoration Plan to address injuries from the *Deepwater Horizon* oil spill that would include the 28 early restoration projects announced in the May 6, 2013 **Federal Register** notice and an additional 16 projects. In accordance with NEPA, the Trustees conducted scoping to identify the concerns of the affected public, Federal agencies, States, and Indian tribes; involved the public in the decision making process; facilitated efficient early restoration planning and environmental review; defined the issues and alternatives that would be examined in detail; and saved time by ensuring that draft documents adequately addressed relevant issues. A scoping process reduces paperwork and delay by ensuring that important issues are considered early in the decision making process. To gather public input, the Trustees hosted six public meetings and accepted written comment electronically and via U.S. mail during the scoping period.

Notice of availability of the Draft Programmatic and Phase III Early Restoration Plan and Draft Early Restoration Programmatic Environmental Impact Statement (Draft Phase III ERP/PEIS) was published in the **Federal Register** on December 6, 2013 (78 FR 73555). The Draft Phase III ERP/PEIS considered programmatic alternatives for early restoration and proposed 44 early restoration projects in Phase III of early restoration consistent with the project types included in the proposed programmatic alternative. The Trustees provided the public with 75 days to review and comment on the Draft Phase III ERP/PEIS (including a 15-day extension of the original announced 60 day comment period). The Trustees also held public meetings in Mobile, Alabama; Long Beach, Mississippi; Belle Chasse, Thibodaux, and Lake Charles, Louisiana; Port Arthur, Galveston, and Corpus Christi, Texas; and Pensacola, Florida to facilitate public. The Trustees considered the public comments received which informed the Trustees' analyses of programmatic alternatives and specific early restoration projects in the Final Phase III ERP/PEIS. A summary of the public comments received and the Trustees' responses to those comments are addressed in Chapter 13 of the Final Phase III ERP/PEIS.

Overview of the Phase III ERP/PEIS

The Final Phase III ERP/PEIS is being released in accordance with the Oil Pollution Act (OPA), the Natural Resource Damage Assessment (NRDA) regulations found in the Code of Federal Regulations (CFR) at 15 CFR 990, the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), and the Framework Agreement.

The Final Phase III ERP/PEIS proposes early restoration programmatic alternatives and evaluates the potential environmental effects and cumulative effects of those alternatives. The Final Phase III ERP/PEIS groups 12 project types into two categories: (1) Contribute to Restoring Habitats and Living Coastal and Marine Resources, and (2) Contribute to Providing and Enhancing Recreational Opportunities. These categories provide the basis for defining the list of four alternatives considered in the document:

- Alternative 1: No Action (No Additional Early Restoration);
- Alternative 2: Contribute to Restoring Habitats and Living Coastal and Marine Resources;
- Alternative 3: Contribute to Providing and Enhancing Recreational Opportunities; and
- Alternative 4 (Preferred Alternative): Contribute to Restoring Habitats, Living Coastal and Marine Resources, and Recreational Opportunities.

The Trustees propose to select 44 projects as described in the Final Phase III ERP/PEIS, totaling an estimated cost of approximately $627 million.

The proposed restoration projects are intended to continue the process of using early restoration funding to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Trustees considered both ecological and recreational use restoration projects to restore injuries caused by the *Deepwater Horizon* oil spill, addressing both the physical and biological environment, as well as the relationship people have with the environment.

The projects proposed in Phase III are not intended to, and do not fully address all injuries caused by the spill or provide the extent of restoration needed to make the public and the environment whole. The Trustees anticipate that additional early restoration projects will be proposed in the future as the early restoration process continues.

Next Steps

In accordance with NEPA, a Federal agency must prepare a concise public Record of Decision (ROD) at the time the agency makes a decision in cases involving an EIS (40 CFR 1505.2). Accordingly, DOI on behalf of the Trustees, will prepare a ROD for the Final Phase III ERP/PEIS that provides and explains the Trustees' decisions regarding the selection of a programmatic early restoration alternative and specific early restoration projects. The Trustees will issue the ROD no earlier than 30 days after the Environmental Protection Agency publishes a notice in the **Federal**

Register announcing the availability of the Final Phase III ERP/PEIS (40 CFR § 1506.10).

Administrative Record

An Administrative Record has been established and can be viewed electronically at *http://www.doi.gov/deepwaterhorizon/adminrecord/index.cfm.*

Authorities

The authorities of this action are the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), the implementing Natural Resource Damage Assessment regulations found at 15 CFR 990, NEPA, and the Framework Agreement.

Cynthia K. Dohner,

DOl Authorized Official.

[FR Doc. 2014–12692 Filed 6–4–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–ACAD–15646; PPNEACADSO, PPMPSPDIZ.YM0000]

Notice of Meetings of the Acadia National Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: This notice sets forth the dates of the next three meetings of the Acadia National Park Advisory Commission. The Commission meeting locations may change based on inclement weather or exceptional circumstances. If a meeting location is changed, the Superintendent will issue a press release and use local newspapers to announce the meeting.

DATES: The public meetings of the Acadia National Park Advisory Commission will be held on Monday, September 8, 2014; Monday, February 2, 2015; and Monday, June 1, 2015.

ADDRESSES: Each meeting will be held at the Acadia National Park headquarters conference room, McFarland Hill, Bar Harbor, Maine 04609.

Agenda

Each Commission meeting will consist of the following proposed agenda items:

1. Committee Reports:
   - Land Conservation
   - Park Use
   - Science and Education
   - Historic
2. Old Business
3. Superintendent's Report
4. Chairman's Report
5. Public Comments
6. Adjournment

FOR FURTHER INFORMATION CONTACT: Superintendent Sheridan Steele, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone (207) 288–8702.

SUPPLEMENTARY INFORMATION: Each meeting is open to the public. Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 27, 2014.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2014–13063 Filed 6–4–14; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000]

Outer Continental Shelf Official Protraction Diagrams and Supplemental Official Outer Continental Shelf Block Diagrams

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Availability of revised North American Datum of 1927 (NAD 27) Outer Continental Shelf Official Protraction Diagrams and Supplemental Official Outer Continental Shelf Block Diagrams.

SUMMARY: Notice is hereby given that effective with this publication, the following NAD 27-based Outer Continental Shelf (OCS) Official Protraction Diagrams (OPDs) and Supplemental Official OCS Block Diagrams (SOBDs) located in the Gulf of Mexico with revision date as indicated, are now available. The BOEM, in accordance with its authority and responsibility under the Outer Continental Shelf Lands Act, 43 USC 1331 et seq., is updating the basic record used for the description of renewable energy, mineral, and oil and gas lease sales in the geographic areas they represent. Specifically, the 1.4 nautical mile ''Area'' designation as described in Article IV, Paragraph 1, of the Treaty between the United States of America and the United Mexican States on the delimitation of the continental shelf in the Western Gulf of Mexico beyond 200 nautical miles, signed June 9, 2000, has been removed from the Keathley Canyon, Sigsbee Escarpment, and Amery Terrace OPDs and associated SOBDs. Other information associated with the ''Area'' has been removed as well. Article IV, Paragraph 1, prohibited exploration and development in the ''Area.'' Pursuant to a Note signed by the U.S. and Mexico on June 22, 2010, Article IV, Paragraph 1, of the 2000 Treaty was due to expire on January 17, 2014. The expiration date was extended by exchange of diplomatic notes on January 17, 2014, to July 17, 2014, or until the day the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico enters into force, whichever is sooner. Due to the upcoming expiration of Article IV, Paragraph 1, of the Treaty, BOEM is updating relevant OPDs and SOBDs accordingly.

Outer Continental Shelf Official Protraction Diagrams in the Gulf of Mexico

Description/Date

NG15–05 (Keathley Canyon)—July 1, 2013

NG15–08 (Sigsbee Escarpment)—July 1, 2013

NG15–09 (Amery Terrace)—July 1, 2013

Supplemental Official Outer Continental Shelf Block Diagrams in the Gulf of Mexico, All Located Within Official Protraction Diagram NG15–05 (Keathley Canyon)

Diagrams Revised/Date/Block Numbers

Article IV ''Area'' Limit Blocks (Total of 3)—July 1, 2013: 978, 979, 980

Supplemental Official Outer Continental Shelf Block Diagrams in the Gulf of Mexico, All Located Within Official Protraction Diagram NG15–08 (Sigsbee Escarpment)

Diagrams Revised/Date/Block Numbers

Article IV ''Area'' Limit Blocks (Total of 56)—July 1, 2013: 11, 12, 13, 14, 57, 58, 59, 60, 103, 104, 105, 106, 148, 149, 150, 151, 194, 195, 196, 239, 240, 241, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349

Supplemental Official Outer Continental Shelf Block Diagrams in the Gulf of Mexico, All Located Within Official Protraction Diagram NG15–09 (Amery Terrace)

Diagrams Revised/Date/Block Numbers

Article IV ''Area'' Limit Blocks (Total of 30)—July 1, 2013: 235, 236, 237, 238, 273, 274, 275, 276, 277, 278, 279, 280, 281, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 355, 356, 357, 358, 359

SUPPLEMENTARY INFORMATION: Copies of the revised OPDs and SOBDs are available for download in .pdf format from *http://www.boem.gov/Oil-and-Gas-Energy-Program/Mapping-and-Data/Maps-And-Spatial-Data.aspx.*

FOR FURTHER INFORMATION CONTACT: Douglas Vandegraft, Chief, Mapping and Boundary Branch at (703) 787–1312 or via email at *Doug.Vandegraft@boem.gov.*

Dated: May 20, 2014.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2014–13001 Filed 6–4–14; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Clean Air Act

Notice is hereby given that on May 29, 2014, a proposed consent decree in *United States* v. *Landfill Technologies of Arecibo Corp., et al.,* No. 3:14–cv–01438, was lodged with the United States District Court of the District of Puerto Rico. The United States filed this action on the same day that the consent decree was lodged with the Court. The complaint alleges that defendants Landfill Technologies of Arecibo Corp., the Municipality of Arecibo, and the Puerto Rico Land Authority violated the Clean Air Act by failing to timely install a gas collection and control system at the municipal solid waste landfill located in Arecibo, Puerto Rico.

The settlement requires that the defendants operate the landfill's gas collection and control system in compliance with the applicable regulations, improve landfill operations, implement a recycling and composting plan, and pay civil penalties totaling $350,000. The consent decree resolves the civil claims of the United States for the Clean Air Act violations alleged in the complaint through the date of lodging of the consent decree.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Landfill Technologies of Arecibo Corp.,* D.J. Ref. No. 90–5–2–1–09629. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ B ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ B ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–13047 Filed 6–4–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–391]

Controlled Substances: 2014 Established Aggregate Production Quotas for 10 Temporarily Controlled Synthetic Cathinones

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Notice.

SUMMARY: This notice establishes the initial 2014 aggregate production quotas for 10 temporarily controlled synthetic cathinones: 4-methyl-N-ethylcathinone (4–MEC); 4-methyl-α-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone (α-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone); 4-fluoro-N-methylcathinone (4–FMC); 3-fluoro-N-methylcathinone (3–FMC); naphthylpyrovalerone (naphyrone); and alpha-pyrrolidinobutiophenone (α-PBP).

DATES: Effective June 5, 2014.

FOR FURTHER INFORMATION CONTACT: Ruth A. Carter, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Background

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this authority to the Administrator of the DEA, 28 CFR 0.100, who in turn has redelegated that authority to the Deputy Administrator of the DEA, 28 CFR part 0, subpart R, App.

On March 7, 2014, the DEA published in the **Federal Register** a final order to temporarily place 10 synthetic cathinones, 4-methyl-N-ethylcathinone (4–MEC); 4-methyl-α-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone (α-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone); 4-fluoro-N-methylcathinone (4–FMC); 3-fluoro-N-methylcathinone (3–FMC); naphthylpyrovalerone (naphyrone); and alpha-pyrrolidinobutiophenone (α-PBP), into schedule I of the CSA (79 FR 12938), making all regulations pertaining to schedule I controlled substances applicable to the manufacture of 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP, including the requirement to obtain a manufacturing quota pursuant to 21 CFR part 1303.

The 2014 aggregate production quotas for 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP represent those quantities that may be manufactured in the United States in 2014 to provide for the estimated scientific, research, and industrial needs of the United States, lawful export requirements, and the

establishment and maintenance of reserve stocks.

On April 1, 2014, the DEA published a notice titled, ''Controlled Substances: 2014 Proposed Aggregate Production Quota for 10 Temporarily Controlled Synthetic Cathinones'' in the **Federal Register** (79 FR 18316). That notice proposed the 2014 aggregate production quotas for 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP. Interested persons were invited to comment on or object to the proposed aggregate production quotas for 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP on or before May 1, 2014. No comments were received.

Analysis for 2014 Established Aggregate Production Quotas

In determining the 2014 aggregate production quotas for 4-methyl-N-ethylcathinone (4–MEC); 4-methyl-α-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone (α-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone); 4-fluoro-N-methylcathinone (4–FMC); 3-fluoro-N-methylcathinone (3–FMC); naphthylpyrovalerone (naphyrone); and alpha-pyrrolidinobutiophenone (α-PBP), the DEA has taken into consideration the factors set forth at 21 CFR 1303.11, pursuant to 21 U.S.C. 826(a), and other relevant factors, including 2014 export requirements, industrial use, applications for quotas, as well as information on research and product development requirements.

Pursuant to 21 U.S.C. 826 and in accordance with 21 CFR 1303.11, the Deputy Administrator hereby establishes the 2014 aggregate production quotas for 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP, expressed in grams of anhydrous acid or base, as follows:

Basic class—schedule I	Established 2014 quota
1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone)	15 g
1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone)	15 g
2-(methylamino)-1-phenylpentan-1-one (pentedrone)	15 g
3-fluoro-N-methylcathinone (3–FMC)	15 g
4-fluoro-N-methylcathinone (4–FMC)	15 g
4-methyl-N-ethylcathinone (4–MEC)	15 g
4-methyl-α-pyrrolidinopropiophenone (4-MePPP)	15 g
alpha-pyrrolidinobutiophenone (α-PBP)	15 g
alpha-pyrrolidinopentiophenone (α-PVP)	15 g
naphthylpyrovalerone (naphyrone)	15 g

In accordance with 21 CFR 1303.13, upon consideration of the relevant factors, the Deputy Administrator may adjust the 2014 aggregate production quotas for 4–MEC, 4-MePPP, α-PVP, butylone, pentedrone, pentylone, 4–FMC, 3–FMC, naphyrone, and α-PBP as needed.

Dated: May 30, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–13082 Filed 6–4–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1660]

Hearing of the Advisory Committee of the Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP), Department of Justice.

ACTION: Notice of hearing.

SUMMARY: This is an announcement of the fourth hearing of the Advisory Committee of the Attorney General's Task Force on American Indian/Alaska Native Children Exposed to Violence (hereafter referred to as the AIAN Advisory Committee). The AIAN Advisory Committee is chartered to provide the Attorney General with valuable advice in the areas of American Indian/Alaska Native children's exposure to violence for the purpose of addressing the epidemic levels of exposure to violence faced by tribal youth. Based on the testimony at four public hearings, on comprehensive research, and on extensive input from experts, advocates, impacted families and tribal communities nationwide, the AIAN Advisory Committee will issue a final report to the Attorney General presenting its findings and comprehensive policy recommendations in the fall of 2014.

DATES: This fourth hearing will take place in Anchorage, Alaska on Wednesday, June 11, 2014, from 1:00 p.m. to 6:30 p.m.; and Thursday, June 12, 2014, from 8:30 a.m. to 6:30 p.m. A post-hearing debrief session will take place in Anchorage, Alaska on Friday, June 13, 2014, from 8:30 a.m. to 5:00 p.m. It is anticipated that a public listening session prior to the hearing itself will take place in Bethel, Alaska on Monday, June 9, 2014, from 1:30 p.m. to 5:30 p.m.

ADDRESSES: The Anchorage, Alaska hearing and post-hearing debrief session will both take place at the Sheraton Anchorage Hotel, 401 East 6th Avenue, Anchorage, Alaska 99501. Phone: (907) 276–8700. The hearing will take place in the Howard Rock Ballroom at the Sheraton Anchorage Hotel. The debrief session will take place in the Susitna Room at the Sheraton Anchorage Hotel. The public listening session in Bethel, Alaska will take place at the Yupiit Piciryarait Cultural Center, 420 Chief Eddie Hoffman Highway, Bethel, AK 99559. Phone: (907) 543–4500.

FOR FURTHER INFORMATION CONTACT: Jim Antal, AIAN Advisory Committee Designated Federal Officer (DFO) and Deputy Associate Administrator, Youth Development, Prevention and Safety Division, Office of Juvenile Justice & Delinquency Prevention, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531. Phone: (202) 514–1289 [note: this is not a toll-free number]; email: *james.antal@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This Anchorage, Alaska hearing and the anticipated Bethel, Alaska listening session are both being convened to provide information to the AIAN Advisory Committee about the issue of American Indian/Alaska Native children's exposure to violence. The focus for this fourth hearing will be on Alaska Native children exposed to

violence. The final agenda is subject to adjustment, but it is anticipated that on June 11, 2014, there will be an afternoon session and on June 12, 2014, there will be a full-day session. The agenda for the afternoon session on June 11, 2014, will likely include welcoming remarks and introductions, and panel presentations from invited guests on topics focused on Alaska Native children exposed to violence. The agenda for the full-day session on June 12, 2014, will likely include presentations from witnesses invited to brief the AIAN Advisory Committee on violence issues faced by Alaska Native children exposed to violence, and existing programs that attempt to address this issue. Scheduled opportunities for public testimony are planned at the end of both days of the hearing, including an opportunity for public comment during an open microphone session just prior to the conclusion of both days of the hearing. On June 13, 2014, there will be a post-hearing debrief session that will include a review of material presented during the previous day and planning for subsequent hearings. The debriefing session will not have an opportunity for public comment; however it will be open to the public.

It is anticipated that a public listening session prior to the hearing itself will take place in Bethel, Alaska on Monday, June 9, 2014, from 1:30 p.m. to 5:30 p.m. with presentations from witnesses invited to brief the AIAN Advisory Committee on violence issues faced by Alaska Native children exposed to violence, and existing programs that attempt to address this issue. Scheduled opportunities for public testimony are planned at the end of the listening session, including an opportunity for public comment during an open microphone session just prior to the conclusion of the listening session.

Those wishing to provide scheduled oral public testimony on either day of the Anchorage, Alaska hearing or at the Bethel, Alaska listening session should register through the registration link at *www.justice.gov/defendingchildhood* in advance of the meetings. The scheduled public oral testimony will be accepted on a space available basis. Those wishing to provide oral testimony during the open microphone session, which will likely occur just prior to the conclusion of both days of the Anchorage, Alaska hearing and at the end of the Bethel, Alaska listening session, may register through the registration link at *www.justice.gov/defendingchildhood* or register onsite June 11, or June 12, 2014, at the registration desk. Prior registration is encouraged.

Those wishing to provide written testimony for this fourth hearing should register and submit their written testimony at *www.justice.gov/defendingchildhood.* Those wishing to provide written testimony not specific to this fourth hearing can simply send their written testimony to *testimony@tlpi.org* on an ongoing basis. Written testimony will also be accepted onsite June 11, and 12, 2014, at the registration desk.

Anyone requiring special accommodations should notify Mr. Antal *james.antal@usdoj.gov* in advance of the meeting.

Janet Chiancone,

Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs.

[FR Doc. 2014–13062 Filed 6–4–14; 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; Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines,'' 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=201404-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, 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–MSHA, 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 Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines information collection. Identification of the miner representative, notification of mine owner and operator legal identity, and notification of commencement of operations and closing of mines provide information to help ensure the health and safety of mine workers by identifying responsibility for mining operations. Mine Safety and Health Act of 1977 section 103(h) authorizes this information collection. *See* 30 U.S.C. 813(h).

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 1219–0042.

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 June 30, 2014. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 3, 2014 (79 FR 6232).

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 1219–0042. 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–MSHA.

Title of Collection: Representative of Miners, Notification of Legal Identity, and Notification of Commencement of Operations and Closing of Mines.

OMB Control Number: 1219–0042.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 10,196.

Total Estimated Number of Responses: 10,196.

Total Estimated Annual Time Burden: 2,029 hours.

Total Estimated Annual Other Costs Burden: $2,419.

Dated: May 30, 2014.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2014–13065 Filed 6–4–14; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0133]

Proposed Extension of Information Collection; Hazard Communication

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Hazard Communication.

DATES: All comments must be received on or before August 4, 2014.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2014–0007].
- *Regular Mail:* Send comments to MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.
- *Hand Delivery:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Section 101(a)(7) of the Federal Mine Safety and Health Act of 1977, as amended, (Mine Act) requires, in part, that mandatory standards prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA's part 47 hazardous communications (HazCom) rule requires mine operators to evaluate the hazards of chemicals they produce or use and provide information to miners concerning chemical hazards by means of a written hazard communication program; labeling containers of hazardous chemicals; providing access to material safety data sheets (MSDSs); and initial miner training.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Hazard Communication—30 CFR part 47. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to 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.

This information collection request is available on *http://www.msha.gov/regs/*

fedreg/informationcollection/informationcollection.asp. The information collection request will be available on MSHA's Web site and on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, VA. Sign in at the receptionist's desk on the 21st floor.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Hazard Communication—30 CFR part 47. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0133.

Affected Public: Business or other for-profit.

Number of Respondents: 23,834.

Frequency: On occasion.

Number of Responses: 116,228.

Annual Burden Hours: 187,232 hours.

Annual Respondent or Recordkeeper Cost: $13,281.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 30, 2014.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2014–12999 Filed 6–4–14; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (14–044)]

National Environmental Policy Act: Mars 2020 Mission

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Draft Environmental Impact Statement (DEIS) for the Mars 2020 Mission.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA policy and procedures (14 CFR Part 1216 subpart 1216.3), NASA has prepared and issued a DEIS for the proposed Mars 2020 mission. The purpose of this notice is to apprise interested agencies, organizations, and individuals of the availability of the DEIS and to invite comments on the document during a 45-day public comment period. The DEIS addresses the potential environmental impacts associated with implementing the proposed mission. The purpose of the proposed mission is to continue NASA's in-depth exploration of Mars with a mobile science laboratory (rover). The DEIS includes: Descriptions of the proposed Mars 2020 mission, spacecraft, and candidate launch vehicles; an overview of the potentially affected environment at and near the launch site; and the potential environmental consequences associated with the Proposed Action and Alternatives, including the No Action Alternative. The DEIS is available at the NASA Mars 2020 NEPA Web site at: *http://www.nasa.gov/agency/nepa/mars2020eis.*

DATES: Interested parties are invited to submit comments on environmental issues and concerns, preferably in writing. Comments on the DEIS will be accepted until July 21, 2014, or no later than 45 days from the publication in the **Federal Register** of the U.S Environmental Protection Agency's Notice of Availability of the Mars 2020 Mission DEIS, whichever is later. NASA will hold a virtual public meeting on June 26, 2014, during which the public is invited to participate in an open exchange of information and electronic submission of comments. The virtual meeting will be held from1:00 to 3:00 p.m. EDT at the following Web address: *https://ac.arc.nasa.gov/mars2020.*

ADDRESSES: You may submit comments on the Mars 2020 mission DEIS at any time during the comment period by:

- *Email:* Comments by electronic mail may be sent to *mars2020-nepa@lists.nasa.gov.*
- *Mail:* Mr. George Tahu, Planetary Science Division, Science Mission Directorate, Mail Suite 3E46, NASA Headquarters, Washington, DC 20546–0001.
- *Telephone:* Comments will be accepted at 202–358–0016.

Comments will also be accepted electronically during the June 26th, 2014 virtual public meeting at the following Web site: *https://ac.arc.nasa.gov/mars2020.* The DEIS may be reviewed at the following locations:

- NASA Headquarters, Library, Room 1J20, 300 E Street SW., Washington, DC 20546;
- Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109.

Limited hard copies or CDs of the DEIS are available by contacting Mr. George Tahu at the address, telephone number, or electronic mail address provided below.

FOR FURTHER INFORMATION CONTACT: Mr. George Tahu, Planetary Science Division, Science Mission Directorate, NASA Headquarters, Washington, DC 20456–001, telephone 202–358–0016, or electronic mail at *mars2020-nepa@lists.nasa.gov.* Additional information on NASA's NEPA process and the proposed Mars 2020 mission can be found on the Internet at: *http://www.nasa.gov/agency/nepa/* and *http://mars.jpl.nasa.gov/mars2020/.*

SUPPLEMENTARY INFORMATION: The proposed Mars 2020 mission is planned for launch during the July-August 2020 time period from Kennedy Space Center (KSC) or Cape Canaveral Air Force Station (CCAFS), Florida, on an expendable launch vehicle. The DEIS evaluates three alternatives in addition to the No Action Alternative. Under the Proposed Action (Alternative 1), the proposed Mars 2020 rover would utilize a radioisotope power system, a Multi-Mission Radioisotope Thermoelectric Generator (MMRTG), to continually provide electrical power to the rover's battery and heat for on board systems so the rover can operate and conduct science on the surface of Mars. Under Alternative 2, the proposed Mars 2020 rover would utilize solar energy as its source of electrical power to operate and conduct science on the surface of Mars. Under Alternative 3, the proposed Mars 2020 rover would utilize solar energy augmented by the thermal output from Light Weight Radioisotope Heater Units (LWRHUs) to help keep the rover's on board systems at proper operating temperatures to conduct science on the surface of Mars.

The DEIS assesses potential environmental impacts associated with a normal launch as well as a potential launch accident. These include

potential non-radiological and radiological impacts.

Public Meeting: As a follow-up to the public scoping meetings held in Florida on October 9–10, 2013, NASA will hold a virtual public meeting during which the public is invited to participate in an open exchange of information, including briefings by agency and project representatives, and electronic submission of formal comments before, during, and after the meeting. This meeting will be held on June 26, 2014, at the following Web address: *https://ac.arc.nasa.gov/mars2020.*

Further information on the virtual public meeting can be obtained by contracting Mr. George Tahu at the address and phone number indicted herein or by visiting the Mars 2020 NEPA Web site at: *http://www.nasa.gov/agency/nepa/mars2020eis.*

NASA will consider all comments received in developing its Final EIS; comments received and responses to comments will be included in the final document.

Calvin F. Williams,

Assistant Administrator, Office of Strategic Infrastructure.

[FR Doc. 2014–13151 Filed 6–4–14; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–034]

Advisory Committee on the Records of Congress; Meeting

AGENCY: National Archives and Records Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on the Records of Congress. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Legislative Archives, Presidential Libraries, and Museum Services (LPM).

This meeting will take place at the Capitol Visitor Center.

DATES: The meeting will be held on June 16, 2014 from 10:00 a.m. to 11:30 a.m.

ADDRESSES: Capitol Visitor Center, Congressional Room South.

SUPPLEMENTARY INFORMATION:

Agenda

(1) Chair's Opening Remarks—Clerk of the U.S. House of Representatives
(2) Recognition of Co-chair—Secretary of the U.S. Senate
(3) Recognition of the Archivist of the United States
(4) Approval of the minutes of the last meeting
(5) Senate Archivist's report—Karen Paul
(6) House Archivist's report—Robin Reeder
(7) Center Update—Richard Hunt
(8) Other current issues and new business

The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: *Contacts:* For further information, contact the Center for Legislative Archives (202) 357–5350 Sharon Fitzpatrick, *sharon.fitzpatrick@nara.gov.*

Dated: June 2, 2014.

Patrice Little Murray,

Committee Management Officer.

[FR Doc. 2014–13073 Filed 6–3–14; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts 182nd Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held at Constitution Center, 400 7th St. SW., Washington, DC 20506. This meeting also will be webcast. Agenda times are approximate.

DATES: Friday, June 27, 2014 from 9:00 a.m. to 11:15 a.m.

FOR FURTHER INFORMATION CONTACT: Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682–5570.

SUPPLEMENTARY INFORMATION: The meeting, on Friday, June 27th, will be open to the public on a space available basis. The meeting will begin with opening remarks, and voting on recommendations for funding and rejection and guidelines, followed by updates by the Acting Chairman. There also will be the following presentations (times are approximate): from 9:30 a.m. to 10:00 a.m.—the Survey of Public Participation in the Arts (SPPA), by Sunil Iyengar—Director, NEA Office of Research and Analysis; from 10:00 a.m. to 10:30 a.m.—NEA Grants at the Intersection of Arts and Science, presenter to be determined; from 10:30 a.m. to 11:00 a.m.—Arts Policy Archives at the University of Massachusetts at Amherst, Robert S. Cox—Head, Special Collections & University Archives, UMass Amherst Libraries. From 11:00 a.m. to 11:15 a.m. there will be concluding remarks and voting results. The meeting will adjourn at 11:15 a.m.

For information about webcasting of the open session of this meeting, go to *http://arts.gov/event/2014/national-council-arts-june-27–2014-public-meeting.*

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the February 15, 2012 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506, 202/682–5733, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

Dated: June 2, 2014.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 2014–13038 Filed 6–4–14; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0129]

Embedded Digital Devices in Safety-Related Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft revised regulatory issue summary; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is seeking public comment on draft revised regulatory issue summary (RIS) 2014–XX,

''Embedded Digital Devices in Safety-Related Systems.'' This RIS discusses and clarifies the NRC's technical position on existing regulatory requirements for the quality and reliability of safety-related equipment with embedded digital devices.

DATES: Submit comments by July 7, 2014. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0129. 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.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN, 06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Eugene Eagle, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3706; email: *Eugene.Eagle@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0129 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0129.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The draft revised RIS is available in ADAMS under Accession No. ML13338A769.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0129 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

The NRC issues RISs to communicate with stakeholders on a broad range of matters. This may include communicating staff technical positions on matters that have not been communicated to, or, are not broadly understood by the nuclear industry.

The NRC staff has developed draft revised RIS 2014–XX, ''Embedded Digital Devices in Safety-Related Systems,'' to clarify the NRC's technical position on existing regulatory requirements for the quality and reliability of safety-related equipment with embedded digital devices. Further, the purpose is to also raise awareness that there may be potential safety issues from a postulated common cause failure (CCF) if an undetected software error should occur in embedded digital devices located in multiple trains of redundant safety equipment in nuclear facilities.

This RIS is available electronically through the Agencywide Documents Access and Management System (ADAMS) Accession Number ML13338A769. This RIS is a revision of the original draft RIS 2013–XX, ''Embedded Digital Devices in Safety-Related Systems, Systems Important to Safety, and Items Relied on For Safety,'' (ADAMS Accession Number ML12248A065) issued for public comment May 20, 2013 and reflects adjustments made in response to the public comments received. A table of the public comments received on the original draft RIS with the NRC staff response is publically available electronically (ADAMS Accession Number ML13351A204).

Dated at Rockville, Maryland, this 22nd day of April 2014.

For the Nuclear Regulatory Commission.

Ian C. Jung,

Branch Chief, Instrumentation, Controls, and Electronics Engineering Branch 2, Division of Engineering, Office of New Reactor.

[FR Doc. 2014–13087 Filed 6–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0220]

Standard Review Plan for License Applications for Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft NUREG–1520, Revision 2, titled ''Standard Review Plan [SRP] for License Applications for Fuel Cycle Facilities.'' This SRP provides NRC staff guidance for reviewing and evaluating the safety, health, security and environmental protection aspects of applications for licenses to possess and use special nuclear material (SNM) at fuel cycle facilities.

DATES: Submit comments by September 3, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0220. 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.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN, 06–A44, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Soly I. Soto, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–287–9076, email: *Soly.Soto@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0220 when contacting the NRC about the availability of information regarding NUREG–1520. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0220.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access 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.* Draft NUREG–1520, Revision 2, is available in ADAMS under Accession No. ML14150A417.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0220 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

Licenses to possess and use SNM are governed by part 70 of Title 10 of the *Code of Federal Regulations* (10 CFR). On December 7, 2012 (77 FR 73060), the NRC staff outlined its plans to revise NUREG–1520, Revision 1, ''Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility,'' dated May 2010. The NRC staff received comments in response to the December 2012 notice. In this regard, on April 11, 2013, the NRC staff held a Category 2 public meeting which included a discussion of the outlined plan to revise NUREG–1520 and the comments received from the industry. At the April meeting, the NRC staff discussed a staff requirements memorandum (SRM) dated October 9, 2012 (SRM–SECY–120091), in which the Commission directed the NRC staff to request the American Nuclear Society (ANS) to develop an integrated safety analysis (ISA) standard that would improve the quality and completeness of ISAs. The SRM also directed the NRC staff to refrain from revising NUREG–1520 on ISA topics until after the ANS standard is issued. Accordingly, the NRC staff is not proposing to make any significant changes to SRP Chapter 3, ''Integrated Safety Analysis and Integrated Safety Analysis Summary,'' at this time. Changes to Chapter 3 are primarily to improve readability, rather than a change in guidance. A more complete summary of the April 11, 2013, meeting is available in ADAMS under Accession No. ML13113A251.

The draft of SRP Revision 2 clarifies the existing SRP discussion in several technical areas, including nuclear criticality safety and management measures, as summarized below. Draft Chapter 5, ''Nuclear Criticality Safety,'' contains an expanded discussion of the double contingency principle and double contingency protection, including a description of what constitutes a loss of double contingency. Draft Chapter 11, ''Management Measures,'' includes a discussion of graded management measures and the selection of items relied on for safety that relate to the application of graded management measures.

The draft of SRP Revision 2 contains two new chapters: Chapter 12, ''Material Control and Accounting,'' regarding 10 CFR part 74 requirements; and Chapter 13, ''Physical Protection,'' regarding 10 CFR part 73 requirements. These new chapters are needed because they address requirements that are referenced in 10 CFR 70.22, ''Contents of applications.''

The draft of SRP Revision 2 includes administrative changes throughout the SRP to ensure consistency among the SRP chapters, improve clarity of the text, reduce redundancies, and assure that statutory, regulatory, and guidance document references are accurate and up to date. The title of this SRP was revised from ''Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility'' to ''Standard Review Plan for License Applications for Fuel Cycle Facilities.''

Dated at Rockville, Maryland, this 21st day of May 2014.

For the Nuclear Regulatory Commission.

Marissa G. Bailey,

Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2014–13077 Filed 6–4–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0131]

Open Phase Condition in Electric Power System; Electric Power—Introduction

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting public comment on a draft new Branch

Technical Position (BTP) 8–9, ''Open Phase Conditions in Electric Power System.'' The NRC also seeks public comment on a related draft Revision 5 to Section 8.1, ''Electric Power—Introduction,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants.''

DATES: Submit comments by July 21, 2014. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0131. 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.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jonathan DeGange, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6992, or email: *jonathan.degange@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2014–0131 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0131.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft BTP 8–9, Revision 0, ''Open Phase Conditions in Electric Power System,'' is available in ADAMS under Accession No. ML14057A433. The draft Standard Review Plan (SRP) Section 8.1, Revision 5, ''Electric Power—Introduction,'' is available in ADAMS under Accession No. ML14114A430.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0131 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NRC staff is issuing this notice to request public comments on the draft SRP Section 8.1, Revision 5 and on draft BTP 8–9. This BTP is proposed guidance for the staff's safety review of licensing actions associated with General Design Criteria (GDC) 17, ''Electric Power Systems,'' in Appendix A to part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), related to coping with open phase electrical conditions in power systems. The previous version of SRP Section 8.1 was published on February 28, 2012 (77 FR 12086), as Revision 4 (ADAMS Accession No. ML113640121). The new BTP would be added as a reference to Chapter 8 of the SRP. Specifically Table 8–1, ''Acceptance Criteria and Guidelines for Electric Power Systems,'' of SRP Section 8.1 will be updated to include the BTP 8–9 after resolution of any comments and final issuance of BTP 8–9. This is reflected as the only change included in draft Revision 5 of SRP Section 8.1. The NRC plans on responding to the public comments and then issuing the updated SRP Section 8.1 and BTP as final guidance. The NRC staff intends to incorporate the final approved guidance into the next revision of Chapter 8 of NUREG–0800.

The NRC intends to put these documents in ADAMS and post it on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

The purpose of draft BTP 8–9 is to provide guidance to the NRC staff in reviewing various licensing actions related to an electric power system design vulnerability due to open phase conditions in offsite electric power systems in accordance with GDC 17 or principal design criteria specified in the updated final safety analysis report, and 10 CFR 50.36(c)(2) and (c)(3). Issuance of the BTP and draft SRP Section 8.1, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff.*

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *The NRC staff has no intention to impose the draft SRP positions on holders of existing licensees or regulatory approvals either now or in*

the future (absent a voluntary request for change from the licensee or holder of a regulatory approval).

The NRC staff does not intend to impose or apply the positions described in the draft BTP 8–9 or SRP to existing licenses and regulatory approvals. Hence, the issuance of a final BTP 8–9 or SRP—even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52—would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the draft BTP 8–9 or SRP (if finalized) on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision, as applicable.

3. *Backfitting and issue finality do not—with limited exceptions discussed below—protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit) and/or NRC regulatory approval (e.g., a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the draft BTP 8–9 or SRP (if finalized) in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft BTP 8–9 or SRP in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 23rd day of May 2014.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2014–13061 Filed 6–4–14; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

President's Commission on White House Fellowships Advisory Committee: Closed Meeting

AGENCY: President's Commission on White House Fellowships, U.S. Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The President's Commission on White House Fellowships (PCWHF) was established by an Executive Order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President. The Advisory Committee meet in June to interview potential candidates for recommendation to become a White House Fellow.

The meeting is closed.

Name of Committee: President's Commission on White House Fellowships Selection Weekend

Date: June 5–8, 2014.

Time: 7:00 a.m.–9:30 p.m.

Place: St. Regis Hotel, 16th & K Street, Washington, DC 20006.

Agenda: The Commission will interview 30 National Finalists for the selection of the new class of White House Fellows.

FOR FURTHER INFORMATION CONTACT: Cindy S. Moelis, 712 Jackson Place NW., Washington, DC 20503, Phone: 202–395–4522.

President's Commission on White House Fellowships.

Cindy S. Moelis,

Director.

[FR Doc. 2014–13004 Filed 6–4–14; 8:45 am]

BILLING CODE 6325–44–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31064; File No. 812–14273]

BMO Funds, Inc., et al.; Notice of Application

May 30, 2014.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 6(c) of the Act for an exemption from rule 12d1–2(a) under the Act.

SUMMARY OF THE APPLICATION: The requested order would (a) permit certain registered open-end management investment companies that operate as ''funds of funds'' to acquire shares of certain registered open-end management investment companies and unit investment trusts (''UITs'') that are within and outside the same group of investment companies as the acquiring investment companies, and (b) permit funds of funds relying on rule 12d1–2 under the Act to invest in certain financial instruments.

APPLICANTS: BMO Funds, Inc. (the ''Company''); BMO Asset Management Corp. (the ''Adviser''); and M&I Distributors, LLC (the ''Distributor'').

DATES: *Filing Dates:* The application was filed on February 4, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the application 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 24, 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: Michele L. Racadio, Secretary, BMO Funds, Inc., 111 East Kilbourn Avenue, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Brian McLaughlin Johnson, Senior Counsel, at (202) 551–6740, or Melissa R. Harke, Branch Chief, at (202) 551–6722 (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 for 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 Company, a Wisconsin corporation, is registered under the Act as an open-end management investment company. The Company offers separate series of shares representing interests in separate portfolios of securities.[1]

2. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') and serves as investment adviser for each Fund. The Adviser is a wholly-owned subsidiary of BMO Financial Corp., a financial services company headquartered in Chicago, Illinois, and an indirect wholly-owned subsidiary of the Bank of Montreal, a Canadian bank holding company. The Adviser may engage one or more affiliated or unaffiliated subadvisers. Each subadviser will be registered as an investment adviser under the Advisers Act.

3. The Distributor, a Wisconsin limited liability company, is registered as a broker-dealer under the Securities Exchange Act of 1934 (the ''Exchange Act''). The Distributor serves as principal underwriter and distributor for the Funds.

4. Applicants request an order to permit (a) a Fund that operates as a ''fund of funds'' (each a ''Fund of Funds'') to acquire shares of (i) registered open-end management investment companies that are not part of the same group of investment companies, within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Fund of Funds (''Unaffiliated Investment Companies'') and UITs that are not part of the same group of investment companies as the Fund of Funds (''Unaffiliated Trusts,'' together with the Unaffiliated Investment Companies, ''Unaffiliated Funds'')[2] or (ii) registered open-end management companies or UITs that are part of the same group of investment companies, within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Fund of Funds (collectively, ''Affiliated Funds,'' and together with the Unaffiliated Funds, ''Underlying Funds'') and (b) each Underlying Fund, the Distributor or any principal underwriter for the Underlying Fund, and any broker or dealer registered under the Exchange Act (''Broker'') to sell shares of the Underlying Fund to the Fund of Funds. Applicants also request an order under sections 6(c) and 17(b) of the Act to exempt applicants from section 17(a) to the extent necessary to permit Underlying Funds to sell their shares to Funds of Funds and redeem their shares from Funds of Funds.

5. Applicants also request an exemption under section 6(c) from rule 12d1–2 under the Act to permit any existing or future Fund of Funds that relies on section 12(d)(1)(G) of the Act (''Same Group Fund of Funds'') and that otherwise complies with rule 12d1–2 to also invest, to the extent consistent with its investment objective, policies, strategies, and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (''Other Investments'').

Applicants' Legal Analysis

A. Investments in Underlying Funds—Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring shares 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, and any Broker from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's total outstanding voting stock, or if the sale will cause more than 10% of the acquired company's total outstanding voting stock to be owned by investment companies generally.

2. 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. Applicants seek an exemption under section 12(d)(1)(J) of the Act to permit a Fund of Funds to acquire shares of the Underlying Funds in excess of the limits in section 12(d)(1)(A), and an Underlying Fund, the Distributor or any principal underwriter for an Underlying Fund, and any Broker to sell shares of an Underlying Fund to a Fund of Funds in excess of the limits in section 12(d)(1)(B) of the Act.

3. Applicants state that the terms and conditions of the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

4. Applicants believe that the proposed arrangement will not result in the exercise of undue influence by a Fund of Funds or a Fund of Funds Affiliate over the Unaffiliated Funds.[3] To limit the control that a Fund of Funds may have over an Unaffiliated Fund, applicants propose a condition prohibiting the Adviser, any person controlling, controlled by, or under common control with the Adviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Adviser or any person controlling, controlled by, or under common control with the Adviser (the ''Advisory Group'') from controlling (individually or in the aggregate) an Unaffiliated Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any other investment adviser within the meaning of section 2(a)(20)(B) of the Act to a Fund of Funds (''Subadviser''), any person controlling, controlled by, or under common control with the Subadviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Subadviser or any person controlling,

[1] Applicants request that the order apply to each existing and future series of the Company and to each existing and future registered open-end management investment company or series thereof which is advised by the Adviser or any entity controlling, controlled by or under common control with the Adviser and which is part of the same ''group of investment companies'' (as defined in section 12(d)(1)(G)(ii) of the Act) as the Company (each, a ''Fund'' and collectively, the ''Funds.''). Each existing entity that currently intends to rely on the requested order is named as an applicant. Any existing or future entity that relies on the order in the future will do so only in accordance with the terms and condition in the Application.

[2] Certain of the Unaffiliated Funds may be registered under the Act as either UITs or open-end management investment companies and have received exemptive relief to permit their shares to be listed and traded on a national securities exchange at negotiated prices (''ETFs'').

[3] A ''Fund of Funds Affiliate'' is the Adviser, any Subadviser (as defined below), promoter, or principal underwriter of a Fund of Funds, as well as any person controlling, controlled by, or under common control with any of those entities. An ''Unaffiliated Fund Affiliate'' is an investment adviser, sponsor, promoter, or principal underwriter of an Unaffiliated Fund, as well as any person controlling, controlled by, or under common control with any of those entities.

controlled by, or under common control with the Subadviser (the ''Subadvisory Group''). Applicants propose other conditions to limit the potential for undue influence over the Unaffiliated Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in an offering of securities during the existence of any 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, trustee, advisory board member, investment adviser, subadviser, or employee of the Fund of Funds, or a person of which any such officer, director, trustee, investment adviser, subadviser, member of an advisory board or employee is an affiliated person. An Underwriting Affiliate does not include any person whose relationship to an Unaffiliated Fund is covered by section 10(f) of the Act.

5. To further assure that an Unaffiliated Investment Company understands the implications of an investment by a Fund of Funds under the requested order, prior to a Fund of Funds' investment in the shares of an Unaffiliated Investment Company in excess of the limit in section 12(d)(1)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute an agreement stating, without limitation, that their respective boards of directors or trustees (for any entity, the ''Board'') and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order (''Participation Agreement''). Applicants note that an Unaffiliated Investment Company (other than an ETF whose shares are purchased by a Fund of Funds in the secondary market) will retain its right at all times to reject any investment by a Fund of Funds.[4]

6. Applicants state that they do not believe that the proposed arrangement will involve excessive layering of fees. The Board of each Fund of Funds, including a majority of the directors who are not ''interested persons'' (within the meaning of section 2(a)(19) of the Act) (''Independent Directors''), will find that the advisory fees charged under investment advisory or management contract(s) are based on services provided that will be in addition to, rather than duplicative of, the services provided under such advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. In addition, the Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under rule 12b–1 under the Act) received from an Unaffiliated Fund by the Adviser or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any sales charges and/or service fees charged with respect to shares of the Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[5]

7. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Underlying Fund 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 in certain circumstances identified in condition 11 below.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) 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; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person.

2. Applicants state that a Fund of Funds and the Affiliated Funds might be deemed to be under common control of the Adviser and therefore affiliated persons of one another. Applicants also state that the Fund of Funds and the Unaffiliated Funds might be deemed to be affiliated persons of one another if a Fund of Funds acquires 5% or more of an Unaffiliated Fund's outstanding voting securities. In light of these and other possible affiliations, section 17(a) could prevent an Underlying Fund from selling shares to and redeeming shares from a Fund of Funds.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if 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.

4. Applicants submit that the proposed transactions satisfy the standards for relief under sections 17(b) and 6(c) of the Act.[6] Applicants state that the terms of the transactions are reasonable and fair and do not involve overreaching. Applicants state that the terms upon which an Underlying Fund will sell its shares to or purchase its shares from a Fund of Funds will be based on the net asset value of the Underlying Fund.[7] Applicants state that the proposed transactions will be consistent with the policies of each

[4] An Unaffiliated Investment Company, including an ETF, would retain its right to reject any initial investment by a Fund of Funds in excess of the limit in section 12(d)(1)(A)(i) of the Act by declining to execute the Participation Agreement with the Fund of Funds.

[5] Any references to NASD Conduct Rule 2830 include any successor or replacement rule of FINRA to NASD Conduct Rule 2830.

[6] Applicants acknowledge that receipt of any compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by a Fund of Funds of shares of an Underlying Fund or (b) an affiliated person of an Underlying Fund, or an affiliated person of such person, for the sale by the Underlying Fund of its shares to a Fund of Funds may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgement.

[7] To the extent purchases and sales of shares of an ETF occur in the secondary market (and not through principal transactions directly between a Fund of Funds and an ETF), relief from section 17(a) of the Act would not be necessary. The requested relief is intended to cover, however, transactions directly between ETFs and a Fund of Funds. Applicants are not seeking relief from section 17(a) of the Act for, and the requested relief will not apply to, transactions where an ETF could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds because the investment adviser to the ETF or an entity controlling, controlled by, or under common control with the investment adviser to the ETF, also is an investment adviser to the Fund of Funds.

Fund of Funds and each Underlying Fund and with the general purposes of the Act.

C. Other Investments by Same Group Fund of Funds

1. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (i) the acquiring company and acquired company are part of the same group of investment companies; (ii) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (iii) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are not excessive under rules adopted pursuant to section 22(b) or section 22(c) of the Act by a securities association registered under section 15A of the Exchange Act or by the Commission; and (iv) the acquired company has a policy that prohibits it from acquiring securities of registered open-end management investment companies or registered unit investment trusts in reliance on section 12(d)(1)(F) or (G) of the Act.

2. Rule 12d1–2 under the Act permits a registered open-end investment company or a registered unit investment trust that relies on section 12(d)(1)(G) of the Act to acquire, in addition to securities issued by another registered investment company in the same group of investment companies, government securities, and short-term paper: (1) securities issued by an investment company that is not in the same group of investment companies, when the acquisition is in reliance on section 12(d)(1)(A) or 12(d)(1)(F) of the Act; (2) securities (other than securities issued by an investment company); and (3) securities issued by a money market fund, when the investment is in reliance on rule 12d1–1 under the Act. For the purposes of rule 12d1–2, ''securities'' means any security as defined in section 2(a)(36) of the Act.

3. Applicants state that the proposed arrangement would comply with the provisions of rule 12d1–2 under the Act, but for the fact that a Same Group Fund of Funds may invest a portion of its assets in Other Investments. Applicants request an order under section 6(c) of the Act for an exemption from rule 12d1–2(a) to allow the Same Group Fund of Funds to invest in Other Investments. Applicants assert that permitting Same Group Fund of Funds to invest in Other Investments as described in the application would not raise any of the concerns that the requirements of section 12(d)(1) were designed to address.

4. Consistent with its fiduciary obligations under the Act, the Board of each Same Group Fund of Funds will review the advisory fees charged by the Same Group Fund of Fund's investment adviser to ensure that they are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory agreement of any investment company in which the Same Group Fund of Funds may invest.

Applicants' Conditions

Investments by Funds of Funds in Underlying Funds

Applicants agree that the relief to permit Funds of Funds to invest in Underlying Funds shall be subject to the following conditions:

1. The members of an Advisory Group will not control (individually or in the aggregate) an Unaffiliated Fund within the meaning of Section 2(a)(9) of the Act. The members of a Subadvisory Group will not control (individually or in the aggregate) an Unaffiliated 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 an Unaffiliated Fund, the Advisory Group or a Subadvisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of the Unaffiliated Fund, then the Advisory Group or the Subadvisory Group will vote its shares of the Unaffiliated Fund in the same proportion as the vote of all other holders of the Unaffiliated Fund's shares. This condition will not apply to a Subadvisory Group with respect to an Unaffiliated Fund for which the Subadviser or a person controlling, controlled by, or under common control with the Subadviser acts as the investment adviser within the meaning of Section 2(a)(20)(A) of the Act (in the case of an Unaffiliated Investment Company) or as the sponsor (in the case of an Unaffiliated Trust).

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in shares of an Unaffiliated Fund to influence the terms of any services or transactions between the Fund of Funds or a Fund of Funds Affiliate and the Unaffiliated Fund or an Unaffiliated Fund Affiliate.

3. The Board of each Fund of Funds, including a majority of the Independent Directors, will adopt procedures reasonably designed to assure that its Adviser and any Subadviser(s) to the Fund of Funds are conducting the investment program of the Fund of Funds without taking into account any consideration received by the Fund of Funds or Fund of Funds Affiliate from an Unaffiliated Fund or an Unaffiliated Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of Section 12(d)(l)(A)(i) of the Act, the Board of the Unaffiliated Investment Company, including a majority of the Independent Directors, will determine that any consideration paid by the Unaffiliated Investment Company to a Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (a) is fair and reasonable in relation to the nature and quality of the services and benefits received by the Unaffiliated Investment Company; (b) is within the range of consideration that the Unaffiliated Investment Company would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between an Unaffiliated Investment Company and its investment adviser(s) or any person controlling, controlled by, or under common control with such investment adviser(s).

5. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to an Unaffiliated Investment Company or sponsor to an Unaffiliated Trust) will cause an Unaffiliated Fund to purchase a security in any Affiliated Underwriting.

6. The Board of an Unaffiliated Investment Company, including a majority of the Independent Directors, will adopt procedures reasonably designed to monitor any purchases of securities by the Unaffiliated Investment Company in an Affiliated Underwriting once an investment by a Fund of Funds in the securities of the Unaffiliated Investment Company exceeds the limit of Section 12(d)(l)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Unaffiliated Investment Company will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Unaffiliated Investment Company. The Board of the Unaffiliated Investment Company will consider, among other things, (a) whether the purchases were consistent with the investment

objectives and policies of the Unaffiliated Investment Company; (b) 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 (c) whether the amount of securities purchased by the Unaffiliated Investment Company in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Unaffiliated Investment Company 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 interests of shareholders.

7. Each Unaffiliated Investment Company shall 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 shall maintain and preserve for a period 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 an Affiliated Underwriting once an investment by a Fund of Funds in the securities of an Unaffiliated Investment Company exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth the: (a) party from whom the securities were acquired, (b) identity of the underwriting syndicate's members, (c) terms of the purchase, and (d) information or materials upon which the determinations of the Board of the Unaffiliated Investment Company were made.

8. Prior to its investment in shares of an Unaffiliated Investment Company in excess of the limit in Section 12(d)(1)(A)(i) of the Act, the Fund of Funds and the Unaffiliated Investment Company will execute a Participation Agreement stating, without limitation, that their Boards and their investment advisers 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 an Unaffiliated Investment Company in excess of the limit in Section 12(d)(1)(A)(i), a Fund of Funds will notify the Unaffiliated Investment Company of the investment. At such time, the Fund of Funds will also transmit to the Unaffiliated Investment Company a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Unaffiliated Investment Company of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Unaffiliated Investment Company and the Fund of Funds will maintain and preserve a copy of the order, the 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.

9. Before approving any advisory contract under section 15 of the Act, the Board of each Fund of Funds, including a majority of the Independent Directors, shall find that the advisory fees charged under such advisory contract are based on services provided that are in addition to, rather than duplicative of, services provided under the advisory contract(s) of any Underlying Fund in which the Fund of Funds may invest. Such finding and the basis upon which the finding was made will be recorded fully in the minute books of the appropriate Fund of Funds.

10. The Adviser will waive fees otherwise payable to it by a Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by an Unaffiliated Investment Company under Rule 12b–1 under the Act) received from an Unaffiliated Fund by the Adviser, or an affiliated person of the Adviser, other than any advisory fees paid to the Adviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund. Any Subadviser will waive fees otherwise payable to the Subadviser, directly or indirectly, by the Fund of Funds in an amount at least equal to any compensation received by the Subadviser, or an affiliated person of the Subadviser, from an Unaffiliated Fund, other than any advisory fees paid to the Subadviser or its affiliated person by an Unaffiliated Investment Company, in connection with the investment by the Fund of Funds in the Unaffiliated Fund made at the direction of the Subadviser. In the event that the Subadviser waives fees, the benefit of the waiver will be passed through to the Fund of Funds.

11. No Underlying Fund will acquire securities of any other 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 such Underlying 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)(l) 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 Underlying 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.

12. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to fund of funds set forth in NASD Conduct Rule 2830.

Other Investments by Same Group Fund of Funds

Applicants agree that the relief to permit Same Group Fund of Funds to invest in Other Investments shall be subject to the following condition:

13. Applicants will comply with all provisions of rule 12d1–2 under the Act, except for paragraph (a)(2) to the extent that it restricts any Same Group Fund of Funds from investing in Other Investments as described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13020 Filed 6–4–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72281; File No. SR–NASDAQ–2014–057]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the First Trust Low Duration Mortgage Opportunities ETF of First Trust Exchange-Traded Fund IV

May 30, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 20, 2014, The NASDAQ Stock Market LLC (''Nasdaq'' or the ''Exchange'') filed with the Securities and Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the First Trust Low Duration Mortgage Opportunities ETF (the ''Fund'') of First Trust Exchange-Traded Fund IV (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *nasdaq.cchwallstreet.com*, at Nasdaq's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Massachusetts business trust on September 15, 2010.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund will be a series of the Trust.

First Trust Advisors L.P. will be the investment adviser (''Adviser'') to the Fund. First Trust Portfolios L.P. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon Corporation (''BNY'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a broker-dealer, but it is affiliated with the Distributor, a broker-dealer, and has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In addition, personnel who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Adviser or any sub-adviser becomes, or becomes newly affiliated with, a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Fund currently does not intend to use a sub-adviser.

[3] The Commission approved Nasdaq Rule 5735 (formerly Nasdaq Rule 4420(o)) in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see, e.g.,* Securities Exchange Act Release Nos. 69464 (April 26, 2013), 78 FR 25774 (May 2, 2013) (SR–NASDAQ–2013–036) (order approving listing and trading of First Trust Senior Loan Fund); 68972 (February 22, 2013), 78 FR 13721 (February 28, 2013) (SR–NASDAQ–2012–147) (order approving listing and trading of First Trust High Yield Long/Short ETF); 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30029 (April 10, 2012) (File No. 812–13795) (the ''Exemptive Relief''). In addition, on December 6, 2012, the staff of the Commission's Division of Investment Management (''Division'') issued a no-action letter (''No-Action Letter'') relating to the use of derivatives by actively-managed ETFs. *See* No-Action Letter dated December 6, 2012 from Elizabeth G. Osterman, Associate Director, Office of Exemptive Applications, Division of Investment Management. The No-Action Letter stated that the Division would not recommend enforcement action to the Commission under applicable provisions of and rules under the 1940 Act if actively-managed ETFs operating in reliance on specified orders (which include the Exemptive Relief) invest in options contracts, futures contracts or swap agreements provided that they comply with certain representations stated in the No-Action Letter.

[6] *See* Post-Effective Amendment No. 69 to Registration Statement on Form N–1A for the Trust, dated May 16, 2014 (File Nos. 333–174332 and 811–22559). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

First Trust Low Duration Mortgage Opportunities ETF

Principal Investments

The primary investment objective of the Fund will be to generate current income and its secondary objective will be capital appreciation. Under normal market conditions,[8] the Fund will seek to achieve its investment objectives by investing at least 80% of its net assets (including investment borrowings) in the mortgage-related debt securities and other mortgage-related instruments (collectively, ''Mortgage-Related Investments'') described below.

Under normal market conditions, the Fund will invest in Mortgage-Related Investments tied to residential and commercial mortgages.[9] Mortgage-Related Investments represent an interest in a pool of mortgage loans made by banks and other financial institutions to finance purchases of homes, commercial buildings and other real estate. The individual mortgage loans are packaged or ''pooled'' together for sale to investors. As the underlying mortgage loans are paid off, investors receive principal and interest payments. Mortgage-Related Investments may be fixed-rate or adjustable-rate Mortgage-Related Investments (ARMS).

The Mortgage-Related Investments in which the Fund will invest may be, but are not required to be, issued or guaranteed by the U.S. government, its agencies or instrumentalities, such as Ginnie Mae and U.S. government-sponsored entities, such as Fannie Mae and Freddie Mac (the U.S. government, its agencies and instrumentalities, and U.S. government-sponsored entities are referred to collectively as ''Government Entities'').[10] The Fund may invest in callable agency securities, which give the issuer (the U.S. government agency) the right to redeem the security prior to maturity. The Fund will limit its investments in Mortgage-Related Investments that are not issued or guaranteed by Government Entities to 20% of its net assets.[11]

Many Mortgage-Related Investments are pass-through securities, which means they provide investors with monthly payments consisting of a pro rata share of both regular interest and principal payments as well as unscheduled prepayments on the underlying mortgage loans. Because prepayment rates of individual mortgage pools vary widely, the average life of a particular pool cannot be predicted accurately.

The Fund currently targets an estimated effective duration[12] of three (3) years or less. The Adviser will calculate the duration of the portfolio by modeling the cash flows of all the individual holdings, including the impact of prepayment variability and coupon adjustments where applicable, to determine the duration of each holding and then aggregating based on the size of the position. In performing this duration calculation, the Adviser will utilize third-party models.

The Fund may invest, without limitation, in mortgage dollar rolls.[13] The Fund intends to enter into mortgage dollar rolls only with high quality securities dealers and banks, as determined by the Adviser. The Fund may also invest in to-be-announced transactions (''TBA Transactions'').[14] Further, the Fund may enter into short sales as part of its overall portfolio management strategies or to offset a potential decline in the value of a security; however, the Fund does not expect, under normal market conditions, to engage in short sales with respect to more than 30% of the value of its net assets. To the extent required under applicable federal securities laws, rules, and interpretations thereof, the Fund will ''set aside'' liquid assets or engage in other measures to ''cover'' open positions and short positions held in connection with the foregoing types of transactions.[15]

Although the Fund intends to invest primarily in investment grade securities,[16] the Fund may invest up to

[8] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or *force majeure* type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[9] Mortgage-Related Investments consist of: (1) residential mortgage-backed securities (RMBS); (2) commercial mortgage-backed securities (CMBS); (3) stripped mortgage-backed securities (SMBS) which are mortgage-backed securities where mortgage payments are divided up between paying the loan's principal and paying the loan's interest; and (4) collateralized mortgage obligations (CMOs) and real estate mortgage investment conduits (REMICs) where they are divided into multiple classes with each class being entitled to a different share of the principal and/or interest payments received from the pool of underlying assets.

[10] Securities issued by Government Entities have different levels of credit support. For example, Ginnie Mae securities carry a guarantee as to the timely repayment of principal and interest that is backed by the full faith and credit of the U.S. government. However, the full faith and credit guarantee does not apply to the market prices and yields of the Ginnie Mae securities or to the net asset value, trading price or performance of the Fund, which will vary with changes in interest rates and other market conditions. Fannie Mae and Freddie Mac pass-through mortgage certificates are backed by the credit of the respective instrumentality and are not guaranteed by the U.S. government. Other securities issued by Government Entities may only be backed by the creditworthiness of the issuing institution, not the U.S. government, or the issuers may have the right to borrow from the U.S. Treasury to meet their obligations.

[11] For the avoidance of any doubt, however, investments in Mortgage-Related Investments that are not issued or guaranteed by Government Entities will be included for purposes of the 80% requirement described in the first paragraph under the heading ''Principal Investments.''

[12] In comparison to maturity (which is the date on which a debt instrument ceases and the issuer is obligated to repay the principal amount), duration is a measure of the expected price volatility of a debt instrument as a result of changes in market rates of interest, based on the weighted average timing of the instrument's expected principal and interest payments and other factors. Duration differs from maturity in that it considers a security's yield, coupon payments, principal payments, call features and coupon adjustments in addition to the amount of time until the security finally matures. As the value of a security changes over time, so will its duration. Prices of securities with lower durations tend to be less sensitive to interest rate changes than securities with higher durations. In general, a portfolio of securities with a lower duration can be expected to be less sensitive to interest rate changes than a portfolio with a higher duration.

[13] In a mortgage dollar roll, the Fund will sell (or buy) mortgage-backed securities for delivery on a specified date and simultaneously contract to repurchase (or sell) substantially similar (same type, coupon and maturity) securities on a future date. During the period between a sale and repurchase, the Fund will forgo principal and interest paid on the mortgage-backed securities. The Fund will earn or lose money on a mortgage dollar roll from any difference between the sale price and the future purchase price. In a sale and repurchase, the Fund will also earn money on the interest earned on the cash proceeds of the initial sale.

[14] A TBA Transaction is a method of trading mortgage-backed securities. TBA Transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery. In a TBA Transaction, the buyer and the seller agree on general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to the settlement date. The mortgage TBA market is liquid and positions can be easily added, rolled or closed. According to the Financial Industry Regulatory Authority (''FINRA'') Trade Reporting and Compliance Engine (''TRACE'') data, TBA Transactions represented approximately 93% of total trading volume for agency mortgage-backed securities in the month of January 2014.

[15] *See* 15 U.S.C. 80a-18; Investment Company Act Release No. 10666 (April 18, 1979), 44 FR 25128 (April 27, 1979); *Dreyfus Strategic Investing,* Commission No-Action Letter (June 22, 1987); *Merrill Lynch Asset Management, L.P.,* Commission No-Action Letter (July 2, 1996).

[16] Investment grade securities include securities with, at the time of investment, credit ratings within the four highest rating categories of a nationally recognized statistical rating organization such as Moody's Investors Service, Inc. (''Moody's''), Fitch Ratings (''Fitch''), or Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. (''S&P Ratings''), or another nationally recognized statistical rating organization (''NRSRO''), and unrated securities judged to be of comparable quality by the Adviser. Comparable quality of unrated securities will be determined by the Adviser based on fundamental credit analysis

20% of its net assets in securities of any credit quality, including securities that are below investment grade and securities that are unrated and have not been judged by the Adviser to be of comparable quality to rated investment grade securities.

Other Investments

The Fund may invest in exchange-listed options on U.S. Treasury securities, exchange-listed options on U.S. Treasury futures contracts and exchange-listed U.S. Treasury futures contracts.[17] The use of these derivative transactions may allow the Fund to obtain net long or short exposures to selected interest rates or durations. These derivatives may also be used to hedge risks associated with the Fund's other portfolio investments.

Under normal market conditions, no more than 20% of the value of the Fund's net assets will be invested in derivative instruments.[18] The Fund's investments in derivative instruments will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index.

The Fund may invest up to 20% of its net assets in short-term debt securities, money market funds and other cash equivalents, or it may hold cash. The percentage of the Fund invested in such holdings will vary and will depend on several factors, including market conditions. For temporary defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies and invest part or all of its assets in these securities or it may hold cash. During such periods, the Fund may not be able to achieve its investment objectives. The Fund may adopt a defensive strategy when the Adviser believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

Short-term debt securities are securities from issuers having a long-term debt rating of at least A by S&P Ratings, Moody's or Fitch and having a maturity of one year or less. The use of temporary investments will not be a part of a principal investment strategy of the Fund.

Short-term debt securities are defined to include, without limitation, the following: (1) fixed rate and floating rate U.S. government securities, including bills, notes and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. government agencies or instrumentalities; (2) certificates of deposit issued against funds deposited in a bank or savings and loan association; (3) bankers' acceptances, which are short-term credit instruments used to finance commercial transactions; (4) repurchase agreements,[19] which involve purchases of debt securities; (5) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; and (6) commercial paper, which is short-term unsecured promissory notes. The Fund may only invest in commercial paper rated A–1 or higher by S&P Ratings, Prime-1 or higher by Moody's or F1 or higher by Fitch.

In addition to its investments in Mortgage-Related Investments issued or guaranteed by Government Entities (as described in Principal Investments above) and in the short-term debt securities described in clause (1) of the preceding paragraph, the Fund may also invest up to 20% of its net assets in other direct obligations of the U.S. government and in other securities issued or guaranteed by Government Entities. Such investments may include, without limitation, U.S. government inflation-indexed securities.[20]

The Fund may invest up to 20% of its net assets in the securities of other investment companies, including money market funds (as noted above) and other ETFs.[21]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including securities deemed illiquid by the Adviser.[22] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available

of the unrated security and comparable NRSRO-rated securities. On a best efforts basis, the Adviser will attempt to make a rating determination based on publicly available data. In making a ''comparable quality'' determination, the Adviser may consider, for example, whether the issuer of the security has issued other rated securities, the nature and provisions of the relevant security, whether the obligations under the relevant security are guaranteed by another entity and the rating of such guarantor (if any), relevant cash flows, macroeconomic analysis, and/or sector or industry analysis.

[17] At least 90% of the Fund's net assets that are invested in exchange-traded equity securities and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or are parties to a comprehensive surveillance sharing agreement with the Exchange.

[18] The Fund will limit its direct investments in futures and options on futures to the extent necessary for the Adviser to claim the exclusion from regulation as a ''commodity pool operator'' with respect to the Fund under Rule 4.5 promulgated by the Commodity Futures Trading Commission (''CFTC''), as such rule may be amended from time to time. Under Rule 4.5 as currently in effect, the Fund will limit its trading activity in futures and options on futures (excluding activity for ''bona fide hedging purposes,'' as defined by the CFTC) such that it will meet one of the following tests: (i) aggregate initial margin and premiums required to establish its futures and options on futures positions will not exceed 5% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions; or (ii) aggregate net notional value of its futures and options on futures positions will not exceed 100% of the liquidation value of the Fund's portfolio, after taking into account unrealized profits and losses on such positions.

[19] The Fund intends to enter into repurchase agreements only with financial institutions and dealers believed by the Adviser to present minimal credit risks in accordance with criteria approved by the Board of Trustees of the Trust (''Trust Board''). The Adviser will review and monitor the creditworthiness of such institutions. The Adviser will monitor the value of the collateral at the time the transaction is entered into and at all times during the term of the repurchase agreement.

[20] Inflation-indexed securities are fixed-income securities that are structured to provide protection against inflation. The value of the security's principal or the interest income paid on the security is adjusted to track changes in an official inflation measure. The U.S. Treasury uses the Consumer Price Index for Urban Consumers as the inflation measure.

[21] An ETF is an investment company registered under the 1940 Act that holds a portfolio of securities. Many ETFs are designed to track the performance of a securities index, including industry, sector, country and region indexes. ETFs included in the Fund will be listed and traded in the U.S. on registered exchanges. The Fund may invest in the securities of ETFs in excess of the limits imposed under the 1940 Act pursuant to exemptive orders obtained by other ETFs and their sponsors from the Commission. In addition, the Fund may invest in the securities of certain other investment companies in excess of the limits imposed under the 1940 Act pursuant to an exemptive order that the Trust has obtained from the Commission. *See* Investment Company Act Release No. 30377 (February 5, 2013) (File No. 812–13895). The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705), Portfolio Depository Receipts (as described in Nasdaq Rule 5705), and Managed Fund Shares (as described in Nasdaq Rule 5735). While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X or -3X) ETFs.

[22] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades *(e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

markets as determined in accordance with Commission staff guidance.

The Fund may not invest 25% or more of the value of its total assets in securities of issuers in any one industry. This restriction does not apply to obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities, or securities of other investment companies.[23]

The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.

Creation and Redemption of Shares

The Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'')[24] only in large blocks of Shares (''Creation Units'') in transactions with authorized participants, generally including broker-dealers and large institutional investors (''Authorized Participants''). Creation Units generally will consist of 50,000 Shares, although this may change from time to time. Creation Units, however, are not expected to consist of less than 50,000 Shares. As described in the Registration Statement and consistent with the Exemptive Relief, the Fund will issue and redeem Creation Units in exchange for an in-kind portfolio of instruments and/or cash in lieu of such instruments (the ''Creation Basket''). In addition, if there is a difference between the NAV attributable to a Creation Unit and the market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will pay to the other an amount in cash equal to the difference (referred to as the ''Cash Component'').

Creations and redemptions must be made by an Authorized Participant or through a firm that is either a member of the National Securities Clearing Corporation (''NSCC'') or a Depository Trust Company participant, that, in each case, must have executed an agreement that has been agreed to by the Distributor and BNY with respect to creations and redemptions of Creation Units. All standard orders to create Creation Units must be received by the transfer agent no later than the closing time of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m., Eastern time) (the ''Closing Time'') in each case on the date such order is placed in order for the creation of Creation Units to be effected based on the NAV of Shares as next determined on such date after receipt of the order in proper form. Shares may be redeemed only in Creation Units at their NAV next determined after receipt not later than the Closing Time of a redemption request in proper form by the Fund through the transfer agent and only on a business day.

The Fund's custodian, through the NSCC, will make available on each business day, prior to the opening of business of the Exchange, the list of the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Component (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following business day.

Net Asset Value

The Fund's NAV will be determined as of the close of trading (normally 4:00 p.m., Eastern time) on each day the New York Stock Exchange is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Trust Board or its delegate.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with valuation procedures (which may be revised from time to time) adopted by the Trust Board (the ''Valuation Procedures'') and in accordance with the 1940 Act. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service (''Pricing Service''), or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a Pricing Service, or a major market maker (or dealer). The information summarized below is based on the Valuation Procedures as currently in effect; however, as noted above, the Valuation Procedures are amended from time to time and, therefore, such information is subject to change.

Mortgage-Related Investments will generally be valued by using a Pricing Service. If a Pricing Service does not cover a particular Mortgage-Related Investment, or discontinues covering a Mortgage-Related Investment, the security will be priced using a broker quote. To derive values, Pricing Services and broker-dealers may use matrix pricing and valuation models, as well as recent market transactions for the same or similar assets. Occasionally, the Adviser's pricing committee (the ''Pricing Committee'') may determine that a Pricing Service price does not represent an accurate value of a Mortgage-Related Investment, based on the broker quote it receives, a recent trade in the security by the Fund, information from a portfolio manager, or other market information. In the event that the Pricing Committee determines that the Pricing Service price is unreliable or inaccurate based on such other information, the broker quote may be used. Additionally, if the Pricing Committee determines that the price of a Mortgage-Related Investment obtained from a Pricing Service and the available broker quote is unreliable or inaccurate due to market conditions or other reasons, or if a Pricing Service price or broker quote is unavailable, the security will be valued using fair value pricing, as described below.

Certain securities in which the Fund may invest will not be listed on any securities exchange or board of trade. Such securities will typically be bought and sold by institutional investors in individually negotiated private transactions that function in many respects like an over-the-counter secondary market, although typically no formal market makers will exist. Certain securities, particularly debt securities, will have few or no trades, or trade infrequently, and information regarding a specific security may not be widely available or may be incomplete. Accordingly, determinations of the fair value of debt securities may be based on infrequent and dated information. Because there is less reliable, objective data available, elements of judgment may play a greater role in valuation of debt securities than for other types of securities. Typically, debt securities (other than those described below) will be valued using information provided by a Pricing Service. Debt securities having a remaining maturity of 60 days or less when purchased will be valued at cost adjusted for amortization of premiums and accretion of discounts. Overnight repurchase agreements will be valued at cost and term repurchase agreements (*i.e.,* those whose maturity

[23] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[24] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, generally 4:00 p.m., Eastern time (the ''NAV Calculation Time''). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* the Registration Statement.

exceeds seven days) will be valued at the average of the bid quotations obtained daily from at least two recognized dealers.

Equity securities listed on any exchange other than the Exchange will be valued at the last sale price on the business day as of which such value is being determined. Equity securities listed on the Exchange will be valued at the official closing price on the business day as of which such value is being determined. If there has been no sale on such day, or no official closing price in the case of securities traded on the Exchange, the securities will be valued using fair value pricing, as described below. Equity securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at the close of the exchange representing the principal market for such securities.

Registered open-end management investment companies (other than ETFs) will be valued at their net asset values as reported by such registered open-end management investment companies to Pricing Services.

Exchange-traded options and futures contracts will be valued at the closing price in the market where such contracts are principally traded.

Certain securities may not be able to be priced by pre-established pricing methods. Such securities may be valued by the Trust Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by the Valuation Procedures and conducted in accordance with the provisions of the 1940 Act. Valuing the Fund's securities using fair value pricing will result in using prices for those securities that may differ from current market valuations or official closing prices on the applicable exchange.

Availability of Information

The Fund's Web site (*www.ftportfolios.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Shares' ticker, Cusip and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) daily trading volume, the prior business day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[25] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session [26] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[27]

The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's Disclosed Portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[28] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association (''CTA'') plans for the Shares. Intraday executable price information for fixed income securities, exchange-traded equity securities and derivatives held by the Fund will be available from major broker-dealer firms and major market data vendors.

[25] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[26] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m., Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m., Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m., Eastern time).

[27] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[28] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

Additionally, FINRA's TRACE will be a source of price information for the Mortgage-Related Investments held by the Fund. For exchange-traded assets, intraday price information will be available directly from the applicable listing exchanges. Intraday price information will also generally be available through subscription services which can be accessed by Authorized Participants and other investors. Registered open-end management investment companies (other than ETFs) are generally priced once each business day and such prices are available through the applicable fund's Web site or major market data vendors.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change will be defined in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3[29] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the securities and/or the other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[30] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the other exchange-traded assets with other markets and other entities that are members of ISG,[31] and FINRA may obtain trading information regarding trading in the Shares and the other exchange-traded assets from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the other exchange-traded assets from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

At least 90% of the Fund's net assets that are invested in exchange-traded equity securities and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) the procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the

[29] *See* 17 CFR 240.10A–3.

[30] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[31] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

The Adviser is not a broker-dealer, but it is affiliated with the Distributor, a broker-dealer, and is required to implement a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the open-end fund's portfolio.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded assets with other markets and other entities that are members of ISG, and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded assets from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded assets from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. At least 90% of the Fund's net assets that are invested in exchange-traded equity securities and exchange-traded derivatives (in the aggregate) will be invested in investments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

The primary investment objective of the Fund will be to generate current income and its secondary objective will be capital appreciation. Under normal market conditions, the Fund will seek to achieve its investment objectives by investing at least 80% of its net assets (including investment borrowings) in Mortgage-Related Investments. The Fund will limit its investments in Mortgage-Related Investments that are not issued or guaranteed by Government Entities to 20% of its net assets. Additionally, although the Fund intends to invest primarily in investment grade securities, the Fund may invest up to 20% of its net assets in securities of any credit quality, including securities that are below investment grade and securities that are unrated and have not been judged by the Adviser to be of comparable quality to rated investment grade securities. The Fund may invest in derivative instruments (consisting of exchange-listed options on U.S. Treasury securities, exchange-listed options on U.S. Treasury futures contracts and exchange-listed U.S. Treasury futures contracts). Under normal market conditions, no more than 20% of the value of the Fund's net assets will be invested in derivative instruments. The Fund's investments in derivative instruments will be consistent with the Fund's investment objectives and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index. Also, the Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including securities deemed illiquid by the Adviser. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the CTA plans for the Shares. Intraday executable price information for fixed income securities, exchange-traded equity securities and derivatives held by the Fund will be available from major broker-dealer firms and major market data vendors. Additionally, FINRA's TRACE will be a source of price information for the Mortgage-Related Investments held by the Fund. For exchange-traded assets, intraday price information will be available directly from the applicable listing exchanges. Intraday price information will also generally be available through subscription services which can be accessed by Authorized Participants and other investors.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq

Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with the Valuation Procedures and the 1940 Act.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and other exchange-traded assets with other markets and other entities that are members of ISG and FINRA may obtain trading information regarding trading in the Shares and other exchange-traded assets from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and other exchange-traded assets from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2014–057 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2014–057. 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–NASDAQ–2014–057 and should be submitted on or before June 26, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13019 Filed 6–4–14; 8:45 am]

BILLING CODE 8001–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72284; File No. SR–CBOE–2014–043]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Closing Rotation Procedures for S&P 500 Index Options

May 30, 2014.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 30, 2014 Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to make minor changes to Interpretation and Policy .06 to Rule 6.2B (Hybrid Opening System (''HOSS'')) relating to month-end closing price rotation procedures for non-expiring S&P 500 Index (''SPX'')

[32] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

options. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.2B. Hybrid Opening System (''HOSS'')

(a)–(h) No change.

* * * Interpretations and Policies:

.01–.05 No change.

.06 Following the 3:15 p.m. Chicago time close of trading on the last business day of each calendar month, the Exchange will conduct special non-trading closing rotations for each series of S&P 500 Index (''SPX'') options in order to determine the theoretical ''fair value'' of such series as of 3:00 p.m. Chicago time. During such special non-trading closing rotations, [the] *an* LMM in [each series of] *the* SPX options *designated by the Exchange in each series of SPX options,* will provide bid and offer quotations, the midpoint of which will reflect the theoretical fair value of the series of SPX options, as determined by the LMM pursuant to the LMM's algorithmic analysis of relevant and available data. Notwithstanding that trading in SPX options on the Exchange continues until 3:15 p.m., on the last business day of each month, after 3:15 p.m. the Exchange shall disseminate the 3:00 p.m. fair value quotations provided by [each] *the designated* LMM as the quotations used to calculate the theoretical fair value for each series of SPX options, provided, however, that the Exchange may determine, in the interest of fair and orderly markets, not to disseminate such quotations.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make minor changes to Interpretation and Policy .06 to Rule 6.2B (''Interpretation and Policy .06'') to extend its SPX end-of-month pricing procedures to series of SPX options on the Hybrid Trading System (''Hybrid System'').[3] The Exchange believes that the proposed rule will add consistency to S&P 500 Index-related markets and make it easier for investors to trade SPX options.

Background

In 2001, the Chicago Mercantile Exchange (''CME'') adopted special settlement procedures to determine end-of-month settlement prices for its domestic futures contracts.[4] Specifically, CME adopted end-of-month valuation procedures to calculate the price of S&P 500 futures contracts based on the value of the underlying S&P 500 Index at the close of trading. CME has termed these procedures ''End-of-Month Special Fair Value'' (''EOM FV'') or ''Fair Value'' (''FV'') settlement procedures.

According to CME, ''[f]air value represents the level at which futures theoretically should be priced in relation to cash index values in the absence of transaction costs—albeit not where they necessarily will trade.''[5] Pursuant to its EOM FV settlement procedures, CME calculates the end-of-month final settlement value of S&P 500 futures contracts based on the value of the underlying S&P 500 Index cash market, rather than the actual final trading prices of S&P 500 futures contracts. CME uses its end-of-month theoretical fair value settlement prices for all purposes, including account value reporting and end-of-day variation margin calls.[6] These procedures mitigate issues caused by the misalignment of valuations in the S&P 500 futures market and the underlying S&P 500 Index cash market due to the extended trading hours for S&P 500 futures contracts after the close of trading in the cash market.

The Exchange understands that CME adopted its EOM FV procedures at the request of institutional investors (active in both the S&P 500 futures and S&P 500 Index cash markets), who wanted the end-of-month value of their futures positions to align with prices in the underlying S&P 500 Index cash market. If the month-end settlement price of investors' futures positions were based on the actual closing trading prices as of the 3:15 p.m.[7] close of futures market while the month-end closing price of their cash positions were based on the 3:00 p.m. close of trading in the underlying S&P 500 Index cash market, investors might experience tracking errors and/or financial reporting incongruities that do not reflect actual portfolio performance. Pricing model discrepancies or misaligned pricing between the S&P 500 futures and S&P 500 Index cash market could also lead to unnecessary and/or unwarranted margin calls and returns as well as other hedging and accounting problems. The EOM FV settlement procedures adopted by CME mitigate these issues by aligning the end-of-month settlement prices of S&P 500 futures contracts with closing prices in the underlying cash market as of 3:00 p.m.[8]

[3] The Hybrid Platform refers to the Exchange's trading platform that allows automatic executions to occur electronically and open outcry trades to occur on the floor of the Exchange. To operate in this ''hybrid'' environment, the Exchange has a dynamic order handling system that has the capability to route orders to the trade engine for automatic execution and book entry, to Trading Permit Holder and PAR Official workstations located in the trading crowds for manual handling, and/or to other order management terminals generally located in booths on the trading floor for manual handling. Classes of SPX options other than standard SPX options are traded on the Hybrid Platform. The Hybrid 3.0 Platform is an electronic trading platform on the Hybrid Trading System that allows one or more quoters to submit electronic quotes which represent the aggregate Market-Maker quoting interest in a series for the trading crowd. Standard SPX options contracts are traded on the Hybrid 3.0 Platform.

[4] The CME originally instituted this practice for the December 31, 1999 year-end, but has adopted the practice for each month-end closing date since January 2001. *See generally* CME Group, Month-End Fair Value Procedures, *available at http://www.cmegroup.com/trading/equity-index/fairvaluefaq.html.*

[5] *See generally* CME Group, Month-End Fair Value Procedures, *available at http://www.cmegroup.com/trading/equity-index/fairvaluefaq.html.*

[6] *Id.*

[7] All times referred to herein are stated as Chicago Central Standard Time.

[8] CME has explained the reason for maintaining its 3:00 p.m. fair value procedure as follows:

Stock index products on the . . . [CME] normally close and settle fifteen minutes after the daily close of trading in cash equities. The cash/futures basis may be affected to the extent that futures may fluctuate—sometimes sharply—during those final fifteen minutes. As such, this may become a difficulty for institutional traders practicing coordinated cash/futures strategies. Still, the opportunity to lay off equity market exposure during those fifteen minutes subsequent to the cash close has proven quite beneficial. The use of FV settlement procedures is intended to address this so-called ''tracking error'' while still permitting trade [sic] to continue for fifteen minutes past the 3:00 p.m. cash close. Conceptually, the fair value settlement is determined when the cash market closes at 3:00 p.m., since any new information following 3:00 p.m. will not affect the closing price

Continued

The S&P 500 futures market and SPX options market are highly interconnected. Many investors use SPX options to hedge S&P 500 futures positions. Because of the interconnectedness between the S&P 500 futures and SPX options markets, the Exchange believed that the use of end-of-month pricing procedures that diverged significantly form [sic] the CME's EOM FV pricing procedures would be disruptive to fair and orderly markets. Although the Exchange could have aligned the end-of-month settlement prices of standard non-expiring SPX options with the end-of-month prices of the related S&P 500 futures contracts (and the underlying S&P Index cash market) by simply ending trading at 3:00 p.m. on the last trading day of each month, the Exchange determined that closing trading in SPX options market prior to the close of trading at the CME would also be disruptive to fair and orderly markets. In particular, the Exchange believed that closing trading for standard non-expiring SPX options during S&P 500 futures trading hours would be disruptive to many market participants who hedge S&P 500 futures positions with SPX options. Accordingly, the Exchange adopted end-of-month settlement practices designed to align its end-of-month pricing with CME's EOM FV settlement procedures. The Exchange's end-of-month pricing procedures were adopted through a series of Regulatory Circulars and subsequently codified in the Exchange's rules in Interpretation and Policy .06.[9]

Current Exchange Procedures

Currently, on days other than the last business day of each month, the final closing price of standard non-expiring SPX options traded on the Hybrid 3.0 Platform is determined by the OCC based on the final end-of-day trading quotations that it receives from the Exchange. In general, the OCC determines the closing price of standard non-expiring SPX options using the midpoint between the final bid and final offer quotations disseminated by the Exchange through the Options Price Reporting Authority (''OPRA'').

On the last business day of each month, however, the Exchange conducts special end-of-month non-trading rotations for series of standard non-expiring SPX options pursuant to Interpretation and Policy .06. These special non-trading closing rotations are conducted on the same month-end business days on which CME calculates the EOM FV settlement prices of the S&P 500 futures contracts based on the theoretical fair value of the underlying S&P 500 Index cash market at the close of trading.[10] The OCC calculates the final month-end settlement prices for standard non-expiring SPX options based on non-trading quotations provided by a designated Lead Market-Maker (''LMM'') or LMMs in the SPX, which are then ''smoothed'' by the OCC with an implied volatility curve. LMMs calculate non-trading closing bid and offer quotations to reflect the theoretical fair value of the options through pricing algorithms with a number of relevant inputs, in particular, the EOM FV settlement prices of the related S&P 500 futures contracts at CME.[11] The theoretical fair value prices are disseminated to the OCC via OPRA after the 3:15 p.m. close of trading on the last business day of each month (on the same day that CME performs its end-of-month fair market valuations for the S&P 500 futures). Consistent with CME's practices, the Exchange considers the end-of-month theoretical fair value closing prices of SPX options traded on the Hybrid 3.0 Platform to be the final month-end settlement prices for all purposes, including OCC margin calculations, even though no actual trades occur at these prices.

Proposed Rule Change

The Exchange proposes minor changes to its rules to extend its current end-of-month settlement pricing procedures for SPX options traded on the Hybrid 3.0 Platform to series of SPX options traded on the Hybrid System (e.g., SPXW). The Exchange believes that extending Interpretation and Policy .06 to additional groups of series of SPX options will allow investors to realize consistency in the SPX options market and with respect to valuations in the S&P 500 futures market and underlying S&P 500 Index cash market.

Although Interpretation and Policy .06 does not restrict the Exchange from conducting special end-of-month non-trading closing rotations for series of SPX options traded on the Hybrid System, Interpretation and Policy .06 does not contemplate the application of month-end fair value pricing procedures in groups of series of SPX options without an LMM. Thus, under the Exchange's current rules, the Exchange cannot extend Interpretation and Policy .06 to series of SPX options traded on the Hybrid System with no LMM.[12] The proposed changes to Interpretation and Policy .06 will allow a designated LMM in the SPX options class to conduct non-trading closing rotations for series of SPX options on the Hybrid System.

Under the proposed rule, end-of-month settlement pricing procedures will be conducted in the same manner in all series of SPX options. The Exchange expects that LMMs in the SPX class will continue to base their end-of-month non-trading quotations substantially and materially on the closing prices of the related S&P 500

of the stocks and the indexes. However, information or events subsequent to the cash close may still impact futures prices. Market participants should be aware of the possibility that futures may trade at prices apart from fair value settlement prices between 3;00 [sic] p.m. and the close of the market at 3:15 p.m. on days on which FV settlement procedures are applied.

See id.

[9] *See* CBOE Interpretation and Policy .06 to Rule 6.2B; Securities and Exchange Act Release No. 34–67992; File No. SR–CBOE–2012–095 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Closing Rotation Procedures for S&P 500 Index Options).

See also CBOE Regulatory Circular RG99–233 (Dec. 21, 1999), *available at https://www.cboe.org/publish/regcir/rg99-233.pdf;* CBOE Regulatory Circular RG00–049 (Mar. 29, 2000), *available at https://www.cboe.org/publish/regcir/rg00-049.pdf;* CBOE Regulatory Circular RG01–014 (Jan. 25, 2001), *available at http://www.cboe.com/publish/RegCir/RG01-014.pdf;* CBOE Regulatory Circular RG01–040 (Mar. 29, 2001), *available at https://www.cboe.org/publish/regcir/rg01-040.pdf;* CBOE Regulatory Circular RG01–058 (Apr. 27, 2001), *available at https://www.cboe.org/publish/regcir/rg01-058.pdf;* CBOE Regulatory Circular RG02–019 (Apr. 4, 2002), *available at http://www.cboe.com/publish/RegCir/RG02-019.pdf;* CBOE Regulatory Circular RG02–039 (June 12, 2002), *available at http://www.cboe.com/publish/RegCir/RG02-039.pdf;* CBOE Regulatory Circular RG02–073 (Sept. 17, 2002), *available at http://www.cboe.com/publish/RegCir/RG02-073.pdf;* CBOE Regulatory Circular RG02–118 (Dec. 19, 2002), *available at http://www.cboe.org/publish/regcir/rg02-118.pdf;* CBOE Regulatory Circular RG03–016 (Mar. 19, 2003), *available at http://www.cboe.com/publish/RegCir/RG03-016.pdf;* CBOE Regulatory Circular RG03–039 (June 11, 2003), *available at http://www.cboe.com/publish/RegCir/RG03-039.pdf;* CBOE Regulatory Circular RG03–075 (Sept. 10, 2003), *available at http://www.cboe.com/publish/RegCir/RG03-075.pdf;* CBOE Regulatory Circular RG03–082 (Sept. 22, 2003), *available at http://www.cboe.com/publish/RegCir/RG03-082.pdf;* CBOE Regulatory Circular RG03–110 (Dec. 17, 2003), *available at http://www.cboe.com/publish/RegCir/RG03-110.pdf;* CBOE Regulatory Circular RG04–132 (Dec. 30, 2004), *available at http://www.cboe.com/publish/RegCir/RG04-132.pdf;* CBOE Regulatory Circular RG05–130 (Dec. 29, 2005), *available at http://www.cboe.com/publish/RegCir/RG05-130.pdf;* CBOE Regulatory Circular RG06–130 (Dec. 19, 2006), *available at http://www.cboe.org/publish/regcir/rg06-130.pdf;* CBOE Regulatory Circular RG08–004 (Jan. 8, 2008), *available at http://www.cboe.com/publish/RegCir/RG08-004.pdf;* CBOE Regulatory Circular RG09–151 (Dec. 30, 2009), *available at http://www.cboe.org/publish/regcir/rg09-151.pdf;* and CBOE Regulatory Circular RG12–023 (Jan. 30, 2012), *available at http://www.cboe.org/publish/regcir/rg12-023.pdf.*

[10] *See* CBOE Interpretation and Policy .06 to Rule 6.2B.

[11] *See* Securities and Exchange Act Release No. 34–67992; File No. SR–CBOE–2012–095 (October 5, 2012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Closing Rotation Procedures for S&P 500 Index Options).

[12] Notably, the Exchange's rules do not require the appointment of an LMM in each options class or group of series of options. *See* CBOE Rule 8.14.

futures contracts (which reflect the theoretical fair value of the S&P 500 Index cash market as of 3:00 p.m. as determined by CME), in all series of SPX options. The Exchange believes that the proposed rule will allow investors to realize consistency in the SPX options market by ensuring that the same pricing models are applied to determine the end-of-month theoretical fair value of each non-expiring series of SPX options. The Exchange believes that the application of consistent pricing models in the SPX options market will protect investors' interests by mitigating the risk of tracking errors and inconsistent reporting that may be caused by the dissemination of closing quotations derived from several different pricing models.

The Exchange believes that extending Interpretation and Policy .06 to additional groups of series of SPX options will promote the functioning of a fair and orderly market in SPX options. The misalignment of month-end S&P 500 futures valuations and SPX options prices poses unnecessary risk to investors who actively trade in these markets. Such inconsistencies expose investors to the possibility of unwarranted and potentially significant margin calls, which may not reflect actual levels of portfolio risk or true market exposure. The Exchange believes that extending Interpretation and Policy .06 to additional groups of series of SPX options will mitigate these risks and allow investors to realize consistency with respect to the margin treatment of SPX options.

Interpretation and Policy .06 was adopted in response to investors' requests for end-of-month pricing of SPX options on the Hybrid 3.0 Platform consistent with CME's end-of-month S&P 500 futures valuations. Similarly, the Exchange is proposing this rule change in response to investors' requests for consistent pricing between the S&P 500 futures and series of SPX options traded on the Hybrid System. The Exchange anticipates disseminating end-of-month non-trading closing rotation quotations for each series of SPX options so long as doing so remains consistent with CME's end-of-month pricing practices in the S&P 500 futures. The Exchange, however, cannot predict whether CME will change its EOM FV procedures in the future. Accordingly, the proposed rule change preserves the Exchange's discretion not to disseminate the 3:00 p.m. fair value quotations provided by a designated LMM in a series, if the Exchange determines that disseminating the quotations would not be in the interests of investors or fair and orderly markets. In the event that the CME determines not to apply its special EOM FV procedures, either on a particular month-end trading day or otherwise, the Exchange would allow the actual 3:15 p.m. closing quotations to act as the final quotations, as occurs on other trading days.

The Exchange believes that the proposed rule is designed to guard against unfair discrimination in the application of its end-of-month settlement pricing procedures. The proposed rule merely extends the Exchange's current end-of-month pricing procedures (which have been reviewed and accepted by the Commission), to additional series of SPX options. Under the proposed rule an LMM in the SPX class will provide end-of-month non-trading quotations for each series of SPX options. LMM appointments in SPX options will continue to be governed by CBOE Rules 8.15 and 8.15A and selected based on the criteria set forth in those rules including, but not limited to: adequacy of capital; experience in trading index options or options on ETPs; presence in the trading crowd; and ability to meet required quoting and market-making obligations as described in the Exchange's rules.[13] The Exchange believes that the LMM appointment process and procedures are objective; all Trading Permit Holders may request an LMM appointment subject to approval based on nondiscriminatory criteria and considerations designed to promote fair and orderly markets. To the extent that there may be more than one LMM appointed in the SPX, the Exchange will designate an LMM to provide end-of-month non-trading quotations for each group of series of SPX options on a monthly rotating basis.

The Exchange recognizes that LMMs may have an interest in the outcome of month-end valuation determinations based on the composition of their own proprietary positions. For example, an LMM may have an incentive to skew their fair value determinations to minimize the risk of potential variation margin calls from the OCC to cover proprietary holdings. The Exchange believes, however, that these risks are substantially mitigated by the weight given to the CME's valuations of related S&P 500 futures contracts. The Exchange expects that under the proposed rule the end-of-month non-trading closing quotations provided by the designated LMM in each series of SPX options will continue to be materially, if not directly, based on CME's EOM FV calculations. The Exchange believes that the risk of market manipulation is further limited by the fact that fair valuations can generally be approximated by other third parties and verified through independent checks.

In addition, the Exchange is equipped to monitor LMMs' end-of-month fair value calculations. The Exchange currently monitors the fair value calculations of LMMs who quote end-of-month fair value settlement prices for SPX options on the Hybrid 3.0 Platform. The Exchange also conducts surveillance and oversight of LMMs' fair value quotations to monitor for potential attempts at manipulation. Should the proposed rule change take effect, the Exchange would extend its regulatory practices to monitor the end-of-month fair valuation calculations of LMMs who quote any series of SPX options under Interpretation and Policy .06.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change furthers the interests of fair and orderly markets by allowing investors to realize consistency across the SPX options, S&P 500 futures and S&P 500 Index cash markets. The Exchange proposes to extend the end-of-month fair value pricing procedures in Interpretation and Policy .06 to additional series of SPX options traded on the Hybrid System to better align end-of-month prices in the SPX options

[13] CBOE Rules 8.15(a) and 8.15A(a).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

market with prices of related S&P 500 futures contracts and prices in the underlying cash market. The Exchange believes that greater consistency in SPX options market is in the best interests of investors.

The Exchange also believes that the proposed rule change will contribute to more robust and competitive markets by making it easier for investors to trade S&P 500 Index-related securities and, in particular, making it easier for investors to use SPX options to hedge S&P 500 futures positions. Thus, the proposed rule change will facilitate investors' use of risk-reducing trading strategies and promote robust trading activity in the S&P 500 Index-related markets. The Exchange also believes that extending its fair value pricing procedures to additional groups of series of SPX options will mitigate risk to investors, including investors' risk of tracking errors, misrepresentative financial reporting, and potential unwarranted margin calls that may be caused by misaligned end-of-month settlement pricing in the S&P 500 Index-related markets, rather than actual portfolio risk or market exposure.

The Exchange believes that the proposed rule change is designed to guard against unfair discrimination in the application of its end-of-month settlement pricing procedures. The proposed rule merely extends the Exchange's current procedures (which have been reviewed and approved by the Commission), to additional series of SPX options. Under the proposed rule a designated LMM in each series of the SPX options will provide end-of-month non-trading settlement pricing quotations for series of SPX options. LMM appointments in SPX options will continue to be governed by CBOE Rules 8.15 and 8.15A and selected based on the criteria set forth in those rules including, but not limited to: adequacy of capital; experience in trading index options or options on ETPs; presence in the trading crowd; and ability to meet the required quoting and market-making obligations described in the Exchange's rules.[17] The Exchange believes that the LMM appointment procedures and process set forth in Rules 8.15 and 8.15A are objective; all TPHs may request an appointment subject to the nondiscriminatory criteria set forth in Rules 8.15 and 8.15A, which are designed to promote fair and orderly markets.

The Exchange recognizes that LMMs may have an interest in the outcome of month-end valuation determinations based on the composition of their own proprietary positions. For example, an LMM may have an incentive to skew their fair value determinations to minimize the risk of potential of variation margin calls from the OCC to cover proprietary holdings. The Exchange believes, however, that these risks are substantially mitigated by the weight given to fair valuations of the related S&P 500 futures contracts at CME. The Exchange expects that the end-of-month non-trading closing price quotations provided by LMMs for series of SPX options on the Hybrid System will continue to be materially, if not directly, based on CME's EOM FV calculations under the proposed rule. The Exchange believes that the risk of market manipulation is further limited by the fact that fair valuations can generally be approximated by other third parties and verified through independent checks.

In addition, the Exchange is equipped to protect investors through end-of-month fair value calculations monitoring practices. The Exchange currently monitors the fair value calculations of LMMs who quote end-of-month fair value settlement prices for SPX options on the Hybrid 3.0 Platform. The Exchange also conducts surveillance and oversight of LMMs' fair value quotations to monitor for potential attempts at manipulation. Under the proposed rule, the Exchange would extend its regulatory practices to monitor LMMs' end-of-month price calculations for all series of SPX options quoted in accordance with Interpretation and Policy .06.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Extending the Exchange's current end-of-month fair value settlement procedures to other series of SPX options will not adversely affect investors. These procedures will be equally applied to affect all market participants equally in the SPX options market. Furthermore, the Exchange believes that the proposed rule will bolster competition and contribute to more robust markets by making it easier for investors to trade SPX options and use SPX options to hedge S&P 500 futures positions. The Exchange believes that the proposed rule will bolster competition with other exchanges by making it easier for investors to trade S&P 500 Index-related securities listed on exchanges other than CBOE.

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[18] and Rule 19b–4(f)(6)[19] 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–2014–043 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–2014–043. 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

[17] CBOE Rules 8.15(a) and 8.15A(a).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6).

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–2014–043 and should be submitted on or before June 26, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13017 Filed 6–4–14; 8:45 am]

BILLING CODE 8001–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–72283; File No. SR–DTC–2014–06]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Modify the Receiver Authorized Delivery and Reclaim Processing Value Limits by Transaction

MAY 30, 2014

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 22, 2014, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of changes to the DTC Settlement Service Guide (the ''Guide'')[3] to modify the Receiver Authorized Delivery (''RAD'') functionality as more fully described below to reduce the intraday uncertainty that may arise from reclaim transactions linked to Deliver Orders (''DOs'') and Payment Orders (''POs'')[4] and any potential credit and liquidity risk from such reclaims.[5]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

By this rule filing, DTC seeks to modify the RAD functionality to reduce the intraday uncertainty that may arise from reclaim transactions linked to DOs and POs and any potential credit and liquidity risk from such reclaims, as more fully described below.

Currently, as set forth in the DTC Settlement Service Guide (the ''Guide''), all valued DOs and POs in amounts above $7.5 million and $500,000, respectively, are subject to the RAD process, which allows a receiver of DOs and/or POs (''Receiver'') to review and reject transactions that it does not recognize prior to DTC's processing of the transactions in accordance with the Rules. In contrast, lower valued DOs and POs do not require the Receiver's acceptance prior to processing; instead, if the Receiver does not recognize a DO or PO it has received, the DO or PO may be returned by the Receiver to the original deliverer of the DO or PO (''Deliverer'') in a reclaim transaction. While both the reclaim and RAD functionalities allow a Receiver to exercise control over which transactions to accept, reclaims tend to create uncertainty because transactions may be returned late in the day, when the Deliverer may have limited options to respond. Because such reclaims are permitted without regard to risk management controls, the Deliverer may then incur a greater settlement obligation, increasing credit and liquidity risk to the Deliverer and to DTC.[6]

Therefore, pre-settlement matching of transactions through RAD without the ability of the Receiver to reclaim those transactions is the preferred approach as this would eliminate the uncertainty and credit and liquidity implications associated with reclaims. In 2013, DTC took an initial step to address this uncertainty by lowering the RAD ''threshold'' over which transactions must be matched for DOs and POs from $15 million and $1 million, respectively, to the current limits mentioned above.[7] Under the proposed rule change, DTC would further change RAD to require Participants to match valued DOs and POs, prior to processing the associated deliveries. These matched transactions would be processed through DTC subject to risk management controls.

Likewise, under the proposed rule change, each return of a matched DO or PO attempted to be made by a Receiver to the Deliverer would no longer be processed as a reclaim, but rather would be treated as an original instruction that

[3] The Guide is available at *http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.ashx.*

[4] A DO is a book-entry movement of a particular security between two DTC Participants. A PO is a method for settling funds related to transactions and payments not associated with a DO. For purposes of this proposed rule change the defined term ''DOs'' includes all valued DOs except for DOs of: (i) Money Market Instruments and (ii) Institutional Deliveries affirmed through Omego, both of which are not impacted by the proposed rule change.

[5] Terms not defined herein have the meaning set forth in DTC's Rules & Procedures (the ''Rules'').

[6] DTC's risk management controls, including Collateral Monitor and Net Debit Cap (as defined in DTC Rule 1), are designed so that DTC can effect system-wide settlement notwithstanding the failure to settle of its largest Participant or affiliated family of Participants. Net Debit Cap limits the net debit balance a Participant can incur so that the unpaid settlement obligation of the Participant, if any, cannot exceed DTC liquidity resources. The Collateral Monitor tests that a Receiver has adequate collateral to secure the amount of its net debit balance so that DTC may borrow funds to cover that amount for system-wide settlement if the Participant defaults.

[7] Securities Exchange Act Release No. 69985 (Jul. 12, 2013); 78 FR 42991 (Jul. 18, 2013) (SR–DTC–2013–04).

would be subject to risk management controls and matching via RAD.

Pursuant to the proposed rule change, DTC would revise the Guide to reflect that: (i) with respect to valued DOs, DTC would lower the above-described RAD threshold to $.01 via a three-stage reduction as set forth below, and (ii) with respect to POs, DTC would reduce the RAD threshold to zero immediately upon implementation of the proposed rule change.[8] In this regard, upon implementation of the rule change DTC would initially reduce the RAD threshold for DOs to $100,000. In the second increment the RAD threshold for valued DOs would be reduced to $20,000. In the third increment the RAD threshold for DOs would be reduced to $.01.

In addition, to further promote finality of settlement, the Guide would be revised to remove the provision that New Issues are exempt from RAD.

Also, the Guide would be updated to reflect that certain related functions would no longer be accessible through the Participant Terminal System (PTS). Any such functions would instead be accessible through a DTC Web application known as ''Settlement Web.'' Further, the Guide would be clarified via a technical change to specifically state that the RAD threshold for Institutional Transactions remains at $15 million, rather than at the $7.5 million amount currently in effect for non-institutional transactions. Finally, the Guide would be revised to remove a provision that overvalued deliveries are automatically routed to RAD as this section would become redundant upon implementation of the proposed rule change since all DOs would be subject to RAD.

Implementation

The effective date of the proposed rule change, including the implementation dates of the incremental reductions described above would be announced via a DTC Important Notice.[9]

2. Statutory Basis

The proposed rule change would facilitate intra-day finalization of securities and payment deliveries in DTC's system by increasing the number of DOs and POs required to be approved by the Receiver via RAD prior to DTC processing, and removing the possibility that those matched deliveries could be returned to the Deliverer via a reclaim. As such, the proposed rule change is consistent with the provisions of Section 17A(b)(3)(F)[10] of the Act which requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions. In addition, the proposed rule change is consistent with Rule 17Ad–22(d)(12) of the Act[11] which requires that a clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to ensure that final settlement occurs no later than the end of the settlement day and requires that intraday or real-time finality be provided where necessary to reduce risks.

(B) Self-Regulatory Organization's Statement on Burden on Competition

All Participants would be subject to the proposed change, and therefore DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received with respect to this filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–DTC–2014–06 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 No. SR–DTC–2014–06. 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 filings also will be available for inspection and copying at the principal office of DTC and on DTC's Web site at *http://dtcc.com/legal/sec-rule-filings.aspx.* 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 No. SR–DTC–2014–

[8] As noted in footnote 4 above, Institutional Deliveries affirmed through Omgeo are not impacted by the proposed rule change. Such Institutional Deliveries are subject to matching via RAD only if a Participant makes an election in this regard. When applied, the RAD threshold for these Institutional Deliveries is $15 million. DTC plans to lower the RAD limit for Institutional Transactions to $.01 as part of a future proposal.

[9] For purposes of taking into account the incremental implementation of the proposed rule change as described above, beginning on an implementation date that shall be announced via DTC Important Notice (the ''Initial Implementation Date'') DTC would lower the RAD limit for non-institutional DOs to $100,000 and POs to zero. From a date that is approximately 2 weeks following the Initial Implementation Date and that shall be announced by Important Notice, until a date that is approximately 6 weeks following the Initial Implementation Date and that shall be announced by Important Notice, DTC would lower the RAD limit for non-institutional DOs to $20,000. From a date that is approximately 6 weeks following the Initial Implementation Date and that shall be announced by Important Notice, DTC would lower the RAD limit for non-institutional DOs to $.01.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] 17 CFR 240.17Ad–22(d)(12).

06 and should be submitted on or before June 26, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–13018 Filed 6–4–14; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8756]

Notice of Issuance of a Presidential Permit for Plains LPG Services, L.P. (Detroit River Pipeline Facilities)

AGENCY: Department of State.

ACTION: Notice of Issuance of a Presidential Permit for Plains LPG Services, L.P. (Detroit River Pipeline Facilities).

SUMMARY: The Department of State issued a Presidential Permit to Plains LPG Services, L.P. (''Plains LPG'') on May 23, 2014, authorizing Plains LPG to connect, operate, and maintain existing pipeline facilities (''Detroit River Pipeline'') it acquired at the border of the United States and Canada as a carrier for the transport of petroleum, petroleum products, and other liquid hydrocarbons between the United States and Canada. The Department of State determined that issuance of this permit would serve the national interest. In making this determination and issuing the permit, the Department of State followed the procedures established under Executive Order 13337, and provided public notice and opportunity for comment.

FOR FURTHER INFORMATION CONTACT: Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State (ENR/EDP/EWA). 2201 C St. NW., Ste. 4843, Washington, DC 20520. Attn: Deputy Director. Tel: 202–736–7149.

SUPPLEMENTARY INFORMATION: Additional information concerning the Plains LPG pipeline and documents related to the Department of State's review of the application for a Presidential Permit can be found at *http://www.state.gov/e/enr/applicant*. Following is the text of the issued permit:

PRESIDENTIAL PERMIT

AUTHORIZING PLAINS LPG SERVICES, L.P. TO CONNECT, OPERATE, AND MAINTAIN PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND CANADA

By virtue of the authority vested in me as Under Secretary of State for Economic Growth, Energy, and the Environment, including those authorities under Executive Order 13337, 69 FR 25299 (2004), and Department of State Delegation of Authority 118–2 of January 26, 2006; having requested and received the views of members of the public and various federal agencies; I hereby grant permission, subject to the conditions herein set forth, to Plains LPG Services, L.P. (hereinafter referred to as the ''permittee''), a Texas limited partnership, to connect, operate, and maintain existing pipeline facilities at the border of the United States and Canada running underneath the Detroit River for the transport of petroleum, petroleum products, and other liquid hydrocarbons between the United States and Canada.

The term ''facilities'' as used in this permit means the relevant portion of the pipeline and any land, structures, installations or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of a ten-inch diameter pipeline in existence at the time of this permit's issuance extending from the international border between the United States and Canada underneath the Detroit River to the first block valve in the United States, located at a point onshore in Detroit, Michigan. The United States facilities also include certain appurtenant facilities.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The connection, operation and maintenance of the United States facilities shall be in all material respects as described in the permittee's June 15, 2012 application for a Presidential Permit (the ''Application'').

Article 2. The standards for, and the manner of, the operation and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, and local laws and regulations regarding the connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain all requisite permits from state and local government entities and relevant federal agencies.

Article 4. Connection, operation, and maintenance of the United States facilities hereunder shall be subject to the limitations, terms, and conditions issued by any competent agency of the United States Government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations.

Article 5. The permittee shall notify the Commissioner of Customs and Border Protection immediately if it plans to inject foreign merchandise into the United States facilities. In order to confirm the safety and integrity of the facilities and compliance with all applicable regulations, the permittee shall notify the Associate Administrator for Pipeline Safety at the Pipeline and Hazardous Materials Safety Administration immediately with regard to its plans to return to active service the United States facilities, which are not currently in use for the transport of authorized products.

Article 6. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the

[12] 17 CFR 200.30–3(a)(12).

permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 7. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 8. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the United States Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 9. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 10. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on, or disruption of, the human environment in connection with connection, operation and maintenance of the United States facilities. Such measures will include any mitigation and control plans that are already approved or that are approved in the future by the Department of State or other relevant federal or state agencies, and any other measures deemed prudent by the permittee.

Article 11. The permittee shall file with the appropriate agencies of the United States Government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now or may hereafter be required under any laws or regulations of the United States Government or its agencies. The permittee shall file electronic Export Information where required.

Article 12. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the U.S. facilities.

IN WITNESS WHEREOF, I, the Under Secretary of State for Economic Growth, Energy, and the Environment, have hereunto set my hand this 23rd day of May 2014 in the City of Washington, District of Columbia.

Catherine A. Novelli,

Under Secretary of State for Economic Growth, Energy, and the Environment.

Date: May 27, 2014.

Michael F. Brennan,

Energy Officer, Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2014–13092 Filed 6–4–14; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2014–0021]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of an existing information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 4, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID 2014–0021 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Craig Thor, Ph.D., Office of Safety Research and Development (HRDS), at (202) 493–3338, Turner-Fairbank Highway Research Center, Federal Highway Administration, 6300 Georgetown Pike, McLean, VA, 22101, between 7:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Motorcycle Crash Causation Study.

OMB Control #: 2125–0619.

Background: In 2011, there were 4,612 motorcycle crash-related fatalities in the United States—more than twice the number of motorcycle rider fatalities

that occurred in 1997. This increase contrasts with a 33% reduction in the number of fatalities in passenger cars and light trucks.[1] In response to this growing concern, the U.S. Congress passed legislation to fund a Federal Highway Administration (FHWA) research effort into the causes of motorcycle crashes in the United States. Congress has recognized this problem and directed the Department of Transportation to conduct research that will provide a better understanding of the causes of motorcycle crashes. Specifically, in Section 5511 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) Public Law 109–59, Congress directed the Secretary of Transportation to provide grants to the Oklahoma Transportation Center (OTC) for the purpose of conducting a comprehensive, in-depth motorcycle crash causation study that employs the common international methodology for in-depth motorcycle crash investigation developed by the Organization for Economic Cooperation and Development (OECD).[2] The Secretary of Transportation delegated authority to FHWA for the Motorcycle Crash Causation Grants under Section 5511 (71 FR 30831). This study began in June, 2012 and has been successful in completing the necessary data collection.

Proposed Data Acquisition Methodology

Use of Parallel and Complementary Procedures

The OECD describes two complementary procedures to be performed for acquiring the data needed to understand the causes of motorcycle crashes. The first of these is the traditional in-depth crash investigation that focuses on the sequence of events leading up to the crash, and on the motorcycle, rider, and environmental characteristics that may have been relevant to the crash. The second procedure, known as the case-control procedure, complements the first. It requires the acquisition of matched control data to allow for a determination of the extent to which rider characteristics and pre-crash factors observed in the crash vehicles are present in similarly-at-risk control vehicles.

Such a dual approach offers specific advantages to the understanding of crashes and the development of countermeasures. The in-depth study of the crash by itself allows for analysis of the events antecedent to the crash, some of which, if removed or altered, could result in a change in subsequent events that would have led to a non-crash, or reduced crash severity outcome. The main purpose of acquiring matched data is to allow for inferences to be made regarding risk factors for crash causes. A brief explanation is provided here so that those less familiar with case-control procedures will understand the advantage of acquiring controls. Consider a hypothetical situation where it is observed that the proportion of *older riders* involved in crashes who were unfamiliar with the roadway is the *same as* the proportion of matched (similarly-at-risk) older control motorcycle riders not involved in crashes. Conversely, the proportion of *Younger riders* involved in crashes who were unfamiliar with the roadway is the *greater than* the proportion of matched younger control motorcycle riders not involved in crashes. These hypothetical findings would suggest that a lack of familiarity with the roadway poses a greater crash risk for younger riders than it does for older riders. Other risk factors for crashes (i.e. gender, riding experience, fatigue level) for motorcyclists may also be examined in this manner. If scaled interval measurements of risk factor levels are obtained (for example, the number of years of riding experience for both crash-involved and control riders), then it becomes possible to calculate functions showing how risk changes with changes in the variable of interest. Such risk functions are highly useful in the development of countermeasures.[3]

Issues Related to Sampling

Characteristics of the Crash Sample

To properly acquire in-depth crash data, it was necessary to find a location in the country that experiences the full range of motorcycle crash types that occur under a wide range of conditions and with a wide range of motorcycle rider characteristics. For this study, Orange County, California was selected as the data collection site. This location resembles a cross-section of motorcycle riding environments. There are both rural and urban regions; flat land and rolling hills; and daily commuters and leisure riders, therefore, the data collected from this region should reflect many of the causative factors that produce motorcycle crashes in these different riding environments. This location also allows for a sufficiently high frequency of motorcycle crashes to allow acquisition of the crash data in a reasonable amount of time. To date, this single location has proven to be sufficient to collect the required number of cases and controls. It is not necessary that the crash types observed (or other composite indices or parameters of interest) be drawn from a nationally representative sample, because it is not the intent of FHWA to make projections of the national incidence of the causes of crashes involving motorcycles from this study. Rather, the focus will be on identifying the antecedents and risk factors associated with motorcycle crashes. If it is deemed necessary, FHWA and NHTSA may utilize their alternative databases that incorporate certain of the key variables that will be acquired in this study, and those databases could be used in conjunction with this study's data to make national estimates of population parameters of interest.[4]

In addition, the crash investigations will be conducted on-scene, and, when possible, while the involved operators and vehicles are still in place. This provides access to physical data that is less disturbed by rescue and clean up activities. It also facilitates the collection of interview data while memories are unaffected. This quick-response approach is most effective when a census of applicable crashes is selected for inclusion.

Characteristics of the Control Sample

While the occurrence of a crash involving a motorcycle in the study site is sufficient for it to be selected into the study, selecting the similarly-at-risk controls requires a different approach. The OECD recommends several options for acquiring matched controls including interviewing motorcyclists who may be filling up at nearby gas stations, taking videos of motorcyclists who pass the crash scenes, and interviewing motorcyclists at the location of the crash location at the same time of day, same day of week, and same direction of travel. The first of these methods suffers from the shortcoming that a rider or motorist filling his fuel tank is not presented with the same risks, in the same setting,

[1] NHTSA FARS encyclopedia: *http://www-fars.nhtsa.dot.gov/Main/index.aspx.*

[2] The OECD methodology may be obtained by sending a request to *jtrc.contact@oecd.org.*

[3] Certainly other outcomes besides the one presented are possible, and other comparisons are of interest.

[4] There is a lengthy precedent for studying crashes using case-control methods including the Grand Rapids study, (Borkenstein, R.F., Crowther, F.R., Shumate, R.P., Ziel, W.B. & Zylman, R. (1974). The Role of the Drinking Driver in Traffic Accidents (The Grand Rapids Study). Blutalkohol, 11, Supplement 1), and of course the Hurt study, (Hurt, H.H., Jr., Ouellet, J.V., and Thom, D.R. (1981). Motorcycle Accident Cause Factors and Identification of Countermeasures Volume I: Technical Report).

as is the crash-involved rider and motorist. Passenger-vehicle motorists and motorcyclists need to be sampled at the location of the crash on the same day of the week, at the same hour, and from the same travel direction. Using the second method mentioned above, acquiring the risk sample by taking video at the crash scene provides a similarly-at-risk pool and it also allows for many controls to be acquired at low cost. Its chief disadvantage is that it does not allow capture of some of the key risk factors for crashes (e.g., fatigue), while others (e.g., age) may be very difficult to capture. Therefore, this method is not sufficient to support the scope of the current effort.

The final method, the voluntary safety research interview, involves setting up a safety zone at or near the crash location, one week later at the same time of day, and asking those motorcyclists who pass through to volunteer in a study. With this method, Certificates of Confidentiality are presented to each interviewed driver and rider and immunity is provided. The main advantage of this method is that the key variables that are thought to affect relative crash risk can be acquired from riders who are truly similarly-at-risk. This is the method used in the current effort.

Information Proposed for Collection

The data collection protocol includes the following number of variables for each aspect of the investigation:

Data Collection Form	Number of questions
Administrative log	43
Crash Form	22
Motorcycle Rider Form	105
Motorcycle Passenger	65
Motorcycle Mechanical	91
Motorcycle Dynamics	43
Environment Form	51
Helmet Form	77
Other Vehicle Form	26
Injury Form	160

Note that multiple copies of various data forms will be completed as the data on each crash-involved vehicle and person and each control vehicle and person are acquired. This increases the number of variables above the sum of what is presented above. There are also diagrams and photographs that are essential elements of each investigation that are entered into the database. Up to 1,600 data elements may be collected for each case, including the control rider data.

Estimated Burden Hours for Information Collection

Frequency: Annually.

Respondents: This study will be based on all crashes occurring within the sampling area. This burden estimate is based on the distribution of crash types seen in the study to date. The plan calls for data to be captured from *up to 1,200* crashes with motorcycle involvement, and for all surviving crash-involved riders and drivers to be interviewed. Two control riders will be interviewed for each crash-involved motorcyclist. Passengers accompanying crash-involved riders and passenger-vehicle drivers will also be interviewed. The following table shows the sampling plan and estimated number of interviews assuming 1,200 crashes are investigated.[5] Maximum total crashes to be investigated is 1,200.

Crash Interviews	
Single vehicle motorcycle crashes	252
Multi-vehicle (2-vehicle) motorcycle crashes (840*2)	1680
Passenger interviews motorcycle (.07* 252 + .07*1680)	136
Passenger interviews cars (.19*235)	319
Total Crash Interviews	2387
Control interviews	
Controls for single vehicle motorcycle crashes (2*252)	504
Controls for multi-vehicle motorcycle crashes (1*840 + 1*840)	1680
Passenger Interviews	0
Total Control Interviews	2184
Grand Total Crash plus Control Interviews	4571

Estimated Average Burden per Interviewee: Crash interviews are estimated to require about 30 minutes per individual interviewed. To the extent possible, crash interviews will be collected at the scene, although it is likely that some follow-ups will be needed to get completed interviews from crash involved individuals. Control individuals' interviews will be completed in a single session and are expected to require about 15 minutes per individual.

Estimated Total Annual Burden Hours: Burden hours estimates are based on the total of 2,387 crash interviews to be conducted at an average length of 30 minutes each and 2,184 control interviews to be conducted at an average length of 15 minutes each for a total one-time burden on the public of 1,770 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: May 29, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–13055 Filed 6–4–14; 8:45 am]

BILLING CODE 4910–22–P

[5] The final crash sample size will depend on the rate at which crashes can be acquired in the selected site(s) and other matters related to logistics and the final budget.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA 2014–0019]

Agency Information Collection Activities: Notice of Request for Renewal of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for renewal of a previously approved information collection that is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 4, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number FHWA 2014–0019 by any of the following methods:

Web site: For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

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

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann Shemaka, 202–366–1575, Office of Bridge Technology, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Title:* National Bridge Inspection Program.

Background: This collection is necessary to meet legislative requirements of Title 23 United States Code section 144, and the Code of Federal Regulations, 23 Highways Part 650, Subpart C—National Bridge Inspection Standards which require States, Federal Agencies, and Tribal Governments to: (1) perform and report inventory data from routine inspections, fracture critical inspections, and underwater inspections on all highway bridges on public roads, and element level inspections on highway bridges on the National Highway System; (2) report costs associated with the replacement of structurally deficient bridges; and (3) follow up on critical findings. The bridge inspection and replacement cost information that is provided to the FHWA is on an annual basis. The critical findings information is periodically provided to the FHWA. The bridge information is used for multiple purposes, including: (1) the determination of the condition of the Nation's bridges which is included in a biennial report to Congress on the Status of the Nation's Bridges; (2) for a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the Nation's bridge inventory; (3) the data source for executing various sections of the Federal-aid program which involve highway bridges; (4) the data source for assessing the bridge penalty provisions of Title 23 United States Code section 119; and (5) for strategic national defense needs.

Respondents: 52 State highway agencies including the District of Columbia and Puerto Rico, Federal Agencies, and Tribal Governments. The number of inspections per respondent varies in accordance with the National Bridge Inspection Standards.

Estimated Average Burden per Response: The estimated average burden for each bridge inspection is 8 hours. The estimated average burden for each element level inspection is 25 minutes. The estimated average burden for each cost collection report is 90 hours. The estimated average burden for follow up on critical findings is 40 hours.

Estimated Total Annual Burden Hours: The annual burden hours associated with this renewal is 2,490,118 hours. This estimated figure is based on 306,800 annual instances for routine, fracture critical, and underwater inspections multiplied by 8 hours (2,454,400 hours); plus 69,500 annual element inspections multiplied by 25 minutes (28,958 hours); plus 90 hours for each cost report multiplied by 52 reports (4,680 hours); plus 40 hours for follow up on critical findings multiplied by 52 respondents (2,080 hours) for a combined annual burden of 2,490,118 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: May 29, 2014.

Michael Howell,

Information Collection Officer.

[FR Doc. 2014–13056 Filed 6–4–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within in meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen

Date: May 28, 2014.

Emily McMahon,

Deputy Assistant Secretary, Tax Policy.

[FR Doc. 2014–12941 Filed 6–4–14; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury Department.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of eight individuals and 20 entities whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182). In addition, OFAC is publishing an amendment to the identifying information of five individuals previously designated pursuant to the Kingpin Act.

DATES: The designation by the Director of OFAC of the eight individuals and 20 entities identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on May 14, 2014.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On May 14, 2014, the Acting Director of OFAC designated the following eight individuals and 20 entities whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. CHEAITELLY SAHELI, Ali Hassan (a.k.a. CHEAITELLI, Hassan; a.k.a. ''CHEAITELLY, Alex''); DOB 05 Sep 1983; POB Colon, Panama; Cedula No. 3–712–2418 (Panama) (individual) [SDNTK] (Linked To: PRODUCERS GROUP CORP.; Linked To: SANTA MARIA INTERNATIONAL TRADING CORP.; Linked To: SILVER HOUSE, INC.; Linked To: EUROCAMBIO, S.A.; Linked To: INMOBILIARIA DAVITOV S.A.; Linked To: FUNDACION H.M.M.).
2. DELAROSA RAMOS, Jibran (a.k.a. DE LA ROSA RAMOS, Jibran); DOB 10 Mar 1984; POB Juan Galindo, Mexico; Passport G01255779 (Mexico) (individual) [SDNTK] (Linked To: NETLLUX MOVIL S.A. DE C.V.).
3. MARTINEZ LASSO, Vielka Judith; DOB 09 Nov 1967; POB El Higo, San Carlos, Panama; Cedula No. 8–283–646 (Panama) (individual) [SDNTK] (Linked To: THEA HOLDING & CO., INC.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: GCH & SONS CO., INC.; Linked To: EURO FINANCING, CORP.; Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: A.F.A.I. CORP.; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: EUROCAMBIO, S.A.; Linked To: BEAUTY STATION, S.A.).
4. MORAN SANCHEZ, Maria Janette (a.k.a. MORAN SANCHEZ, Janet); DOB 15 Nov 1956; POB Panama; Cedula No. 2–84–1948 (Panama) (individual) [SDNTK] (Linked To: BERLIN INDUSTRIES, CORP.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: EURO FINANCING, CORP.; Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: BEAUTY STATION, S.A.; Linked To: INVERSIONES TROL PANAMA S.A.).
5. OMEARA NAVARRO, Marylu (a.k.a. OMEARA NAVARRO DE CHEAITELLY, Marylu; a.k.a. OMEARA NAVARRO, Mary Lu); DOB 12 Feb 1960; POB Colombia; Cedula No. E–8–101804; Passport AB304459 (Colombia) (individual) [SDNTK] (Linked To: INMOBILIARIA DAVITOV S.A.; Linked To: FUNDACION H.M.M.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.).
6. PEREZ FABREGA, Margarita Ines; DOB 14 Aug 1976; POB Panama; citizen Panama; Cedula No. 9–700–1662 (Panama); Passport 1412336 (Panama) (individual) [SDNTK] (Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: GCH & SONS CO., INC.; Linked To: THEA HOLDING & CO., INC.; Linked To: BEAUTY STATION, S.A.; Linked To: BERLIN INDUSTRIES, CORP.; Linked To: A.F.A.I. CORP.; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.).
7. PLATA MCNULTY, Jorge Alberto; DOB 01 Jun 1968; POB Panama; citizen Panama; Cedula No. 8–294–311 (Panama); Passport 1412335 (Panama) (individual) [SDNTK] (Linked To: EUROCAMBIO INVESTMENT S.A.; Linked To: THEA HOLDING & CO., INC.; Linked To: EURO FINANCING, CORP.; Linked To: GCH & SONS CO., INC.; Linked To: A.F.A.I. CORP.; Linked To: BEAUTY STATION, S.A.; Linked To: INVERSIONES TROL PANAMA S.A.; Linked To: INVERSIONES OMEGA INTERNACIONAL S.A.; Linked To: INMOBILIARIA DAVITOV S.A.; Linked To: BERLIN INDUSTRIES, CORP.).
8. PLATA RIVERA, Ignacio Eduardo; DOB 01 Jan 1935; POB Panama City, Panama; citizen Panama; Cedula No. 8–78–897 (Panama) (individual) [SDNTK] (Linked To: GENERAL COMMERCE OVERSEAS, INC.; Linked To: EURO FINANCING, CORP.; Linked To: EUROCAMBIO, S.A.).

Entities

1. A.F.A.I. CORP., Panama City, Panama; RUC # 1504531–1–648386 (Panama) [SDNTK].
2. BEAUTY STATION, S.A., Panama City, Panama; RUC # 2224264–1–776957 (Panama) [SDNTK].
3. BERLIN INDUSTRIES, CORP., Panama City, Panama; RUC # 748891–1–479617 (Panama) [SDNTK].
4. BERLIN INTERNACIONAL S.A., Colon, Panama; RUC # 4392–35–59025 (Panama) [SDNTK].
5. BIESTRA S.A., Carrera 35 No. 31–114, Palmira, Valle, Colombia; NIT # 800227340–7 (Colombia) [SDNTK].
6. C M F INTERNACIONAL, INC., Panama; RUC # 669832–1–462619 (Panama) [SDNTK].
7. EURO FINANCING, CORP., Panama; RUC # 1579574–1–662275 (Panama) [SDNTK].
8. EUROCAMBIO INVESTMENT S.A., Panama; RUC # 1561469–1–659119 (Panama) [SDNTK].
9. FAUSSE ISSA Y CIA. S. EN C., Calle 79

No. 44–34, Barranquilla, Colombia; NIT # 800061571–7 (Colombia) [SDNTK].
10. FUNDACION H.M.M., Panama City, Panama; RUC # 1767437–1–41487 (Panama) [SDNTK].
11. GCH & SONS CO., INC. (a.k.a. GCH AND SONS CO. INC.), Panama City, Panama; RUC # 1164157–1–574556 (Panama) [SDNTK].
12. GLOBANTY S.A.S., Calle 13 No. 10–45, Centro, Maicao, Guajira, Colombia; NIT # 900467096–6 (Colombia) [SDNTK].
13. INMOBILIARIA DAVITOV S.A., Panama City, Panama; RUC # 33672–51–252853 (Panama) [SDNTK].
14. INVERSIONES OMEGA INTERNACIONAL S.A., Panama; RUC # 1367799–1–621064 (Panama) [SDNTK].
15. INVERSIONES TROL PANAMA S.A., Panama; RUC # 1950017–1–731674 (Panama) [SDNTK].
16. LILIANA ESQUENAZI M. & CIA. S. C. S. (f.k.a. JAIME EDERY C. & CIA. S. EN C., a.k.a. LILIANA ESQUENAZI M. AND CIA. S. C. S.), Calle 18 Norte No. 3N–24, Cali, Colombia; NIT # 800243259–5 (Colombia) [SDNTK].
17. NETLLUX MOVIL S.A. DE C.V., Boulevard Hermanos Serdan No. 45 Penthouse, Colonia Amor, Puebla CP. 72140, Mexico [SDNTK].
18. RESTAURANTE BEIRUT MEXICO S.A. DE C.V. (a.k.a. RESTAURANTE BAR BEIRUT Y LAS MIL Y UNA NOCHES), Juan Salvador Agraz No. 50, Colonias Lomas de Santa Fe, Delegacion Cuajimalpa, Ciudad de Mexico, Mexico; RFC RBM–1000208–KB5 (Mexico) [SDNTK].
19. THEA HOLDING & CO., INC. (a.k.a. THEA HOLDING AND CO., INC.), Panama; RUC # 1166577–1–575203 (Panama) [SDNTK].
20. YORUMA SHIPPING COMPANY, S.A., Panama; RUC # 1420095–1–631618 (Panama) [SDNTK].

In addition, OFAC amended the identifying information for the following five individuals previously designated pursuant to the Kingpin Act:

1. CHEAITELLI SAHELI, Guiseppe Ali, c/o POLYTON (ASIA) LIMITED; DOB 10 Feb 1966; POB Maicao, La Guajira, Colombia; Cedula No. 84046545 (Colombia) (individual) [SDNTK].
2. EDERY CRIVOSEI, Jaime, c/o AGROPECUARIA LA PERLA LTDA.; c/o KPD S.A.; DOB 27 Aug 1957; POB Bogota, Colombia; Cedula No. 16588834 (Colombia) (individual) [SDNTK] Linked To: AGROPECUARIA LA PERLA LTDA.; Linked To: KPD S.A.
3. EL KHANSA, Mohamad Zouheir (a.k.a. TORRES ZAMBRANO, Manuel), c/o ALMACEN ELECTRO SONY STAR; c/o GLOBAL TECHNOLOGY IMPORT & EXPORT, S.A. (GTI); c/o MICRO EMPRESA ASHQUI; DOB 09 Jan 1971; alt. DOB 09 Jan 1970; POB Barranquilla, Colombia; POB Ghobeiri, Lebanon; Cedula No. 84077765 (Colombia); Passport RL 0736643 (Lebanon) (individual) [SDNTK]
4. FADLALLAH CHEAITELLY, Jorge (a.k.a. CHEAITELLY SAHELE, Jorge Ali; a.k.a. ''GIORGIO''), c/o BODEGA ELECTRO GIORGIO; c/o EUROCAMBIO, S.A.; c/o GENERAL COMMERCE OVERSEAS, INC.; c/o PRODUCERS GROUP CORP.; c/o ZEDRO INVESTMENT, S.A.; c/o GIORGINO CORPORATION OF PANAMA, S.A.; c/o GIORGIO CHEAITELLY INVESTMENT, S.A.; c/o GIORGIOTELLY, S.A.; c/o III MILLENIUM INTERNATIONAL; c/o J.H. EXIM INTERNACIONAL, S.A.; c/o SANTA MARIA INTERNATIONAL TRADING CORP.; c/o SILVER HOUSE, INC.; c/o OCEAN INDIC OVERSEAS, S.A.; c/o JUNIOR INTERNATIONAL S.A.; DOB 20 Dec 1960; POB Maicao, La Guajira, Colombia; Cedula No. 17849451 (Colombia) (individual) [SDNTK].
5. ISSA FAWAZ, Benny (a.k.a. ISSA FAUSE, Benny), Calle 12, No. 10–79, Maicao, La Guajira, Colombia; Calle 13, No. 7–49, Barrio El Centro, Maicao, La Guajira, Colombia; c/o FAMILY FEDCO; c/o FEDCO IMPORT & EXPORT, S.A.; DOB 29 Sep 1974; POB Barranquilla, Colombia; Cedula No. 72204490 (Colombia); Passport 72204490 (Colombia) (individual) [SDNTK].

The listing for each of these individuals now appears as follows:

1. FADLALLAH CHEAITELLY, Jorge (a.k.a. CHEAITELLY SAHELE, Jorge Ali; a.k.a. ''GIORGIO''); DOB 20 Dec 1960; POB Maicao, La Guajira, Colombia; Cedula No. 17849451 (Colombia) (individual) [SDNTK] (*Linked To: RESTAURANTE BEIRUT MEXICO S.A. DE C.V.;* Linked To: BODEGA ELECTRO GIORGIO; Linked To: EUROCAMBIO, S.A.; Linked To: GENERAL COMMERCE OVERSEAS, INC.; Linked To: PRODUCERS GROUP CORP.; Linked To: ZEDRO INVESTMENT, S.A.; Linked To: GIORGINO CORPORATION OF PANAMA, S.A.; Linked To: GIORGIO CHEAITELLY INVESTMENT, S.A.; Linked To: GIORGIOTELLY, S.A.; Linked To: III MILLENIUM INTERNATIONAL; Linked To: J.H. EXIM INTERNACIONAL, S.A.; Linked To: SANTA MARIA INTERNATIONAL TRADING CORP.; Linked To: SILVER HOUSE, INC.; Linked To: OCEAN INDIC OVERSEAS, S.A.; Linked To: JUNIOR INTERNATIONAL S.A.; Linked To: CAFE DU LIBAN, S.A.).
2. CHEAITELLI SAHELI, Guiseppe Ali; DOB 10 Feb 1966; POB Maicao, La Guajira, Colombia; Cedula No. 84046545 (Colombia) (individual) [SDNTK] (*Linked To: THEA HOLDING & CO INC.; Linked To: C M F INTERNACIONAL, INC.; Linked To: GCH & SONS CO. INC.;* Linked To: POLYTON (ASIA) LIMITED).
3. EDERY CRIVOSEI, Jaime; DOB 27 Aug 1957; POB Bogota, Colombia; Cedula No. 16588834 (Colombia) (individual) [SDNTK] (*Linked To: LILIANA ESQUENAZI M. & CIA. S. C. S.; Linked To: BIESTRA S.A.;* Linked To: AGROPECUARIA LA PERLA LTDA.; Linked To: KPD S.A.).
4. EL KHANSA, Mohamad Zouheir (a.k.a. TORRES ZAMBRANO, Manuel); DOB 09 Jan 1971; alt. DOB 09 Jan 1970; POB Barranquilla, Colombia; alt. POB Ghobeiri, Lebanon; Cedula No. 84077765 (Colombia); *alt. Cedula No. E311790* (Colombia); Passport RL 0736643 (Lebanon) (individual) [SDNTK] (*Linked To: GLOBANTY S.A.S.;* Linked To: ALMACEN ELECTRO SONY STAR; Linked To: GLOBAL TECHNOLOGY IMPORT & EXPORT, S.A. (GTI); Linked To: MICRO EMPRESA ASHQUI).
5. ISSA FAWAZ, Benny (a.k.a. ISSA FAUSE, Benny), Calle 12, No. 10–79, Maicao, La Guajira, Colombia; Calle 13, No. 7–49, Barrio El Centro, Maicao, La Guajira, Colombia; DOB 29 Sep 1974; POB Barranquilla, Colombia; Cedula No. 72204490 (Colombia); Passport 72204490 (Colombia) (individual) [SDNTK] (*Linked To: YORUMA SHIPPING COMPANY S.A.;* Linked To: *FAUSSE ISSA Y CIA. S. EN C.;* Linked To: FAMILY FEDCO; Linked To: FEDCO IMPORT & EXPORT, S.A.).

Dated: May 14, 2014.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2014–13052 Filed 6–4–14; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0657]

Agency Information Collection (Conflicting Interests Certification for Proprietary Schools) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB

Control No. 2900–0657'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0657.''

SUPPLEMENTARY INFORMATION:

Title: Conflicting Interests Certification for Proprietary Schools Only, VA Form 22–1919.

OMB Control Number: 2900–0657.

Type of Review: Revision of a currently approved collection.

Abstract: VA pays education benefits to Veterans and other eligible person pursuing approved programs of education. Employees of VA and State approving agency enrolled in a proprietary profit school are prohibit from owning any interest in the school. Educational assistance provided to Veterans or eligible person based on their enrollment in proprietary school and who are officials authorized to signed certificates of enrollment are also prohibit from receiving educational assistance based on their enrollment. Propriety schools officials complete VA Form 22–1919 certifying that the institution and enrollees do not have any conflict of interest.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 15, 2014, at page 2753.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 23 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 140.

Dated: June 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13076 Filed 6–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0658]

Agency Information Collection Activity (Lenders Staff Appraisal Reviewer (SAR) Application) Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0658'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0658.''

Title: Lenders Staff Appraisal Reviewer (SAR) Application, VA Form 26–0785.

OMB Control Number: 2900–0658.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–0785 is completed by lenders to nominate employees for approval as approved Staff Appraisal Reviewer (SAR). Once approved, SAR's will have the authority to review real estate appraisals and to issue notices of values on behalf of VA. VA uses the information collected to perform oversight of work delegated to lenders responsible for making guaranteed VA backed loans.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 16, 2014, at page 2943.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 200 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400.

Dated: June 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13079 Filed 6–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0038]

Agency Information Collection (Information From Remarried Widow(er)) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0038'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–

7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0038.''

SUPPLEMENTARY INFORMATION: *Title:* Information from Remarried Widow(er), VA Form 21–4103.

OMB Control Number: 2900–0038.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4103 is used to collect data necessary to determine whether a child or children of a deceased Veteran who served during a wartime period are eligible to receive death pension benefits when the surviving spouse's entitlement to death pension is permanently discontinued when he or she remarries.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 17, 2013, at page 76412.

Affected Public: Individuals or households.

Estimated Annual Burden: 334 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 1,000.

Dated: June 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13067 Filed 6–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0771 (Insurance Surveys)]

Agency Information Collection (Insurance Surveys) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

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

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0771'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0771.''

SUPPLEMENTARY INFORMATION:

Titles: Insurance Surveys.

OMB Control Number: 2900–0771.

Type of Review: Revision of a Currently Approved Collection.

Abstract: VBA administers integrated programs of benefits and services, established by law for veterans and their survivors, and service personnel. Executive Order 12862, Setting Customer Service Standards, requires Federal agencies and departments to identify and survey its customers to determine the kind and quality of services they want and their level of satisfaction with existing service. Customer satisfaction surveys are used to gauge customer perceptions of VA services as well as customer expectations and desires.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on November 29, 2013, at page 71726.

Affected Public: Individuals or Households.

Estimated Annual Burden: 550 Hours.

Estimated Average Burden Per Respondent: 6 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 5,499.

Dated: June 2, 2014.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2014–13072 Filed 6–4–14; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0556]

Agency Information Collection (Living Will and Durable Power of Attorney for Health Care) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 7, 2014.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0556 (Living Will and Durable Power of Attorney for Health Care)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0556 (Living Will and Durable Power of Attorney for Health Care)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of

Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA Advance Directive: Living Will and Durable Power of Attorney for Health Care, VA Form 10–0137

OMB Control Number: 2900–0556.

Type of Review: Revision of a currently approved collection.

Abstract: A claimant admitted to a VA medical facility completes VA Form 10–0137 to appoint a health care agent to make decisions about the claimant's medical treatment, and to record specific instructions about the claimant's treatment preferences in the event the claimant no longer can express their preferred treatment. VA's health care professionals use the data collected to carry out the claimant's wish.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on January 17, 2014, at page 3272.

Affected Public: Individuals or households.

Estimated Annual Burden: 171,811 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 343,622.

Dated: June 2, 2014.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2014–13075 Filed 6–4–14; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 79 Thursday,

No. 108 June 5, 2014

Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 736, 738, 740, 742, *et al.*

Corrections and Clarifications to the Export Administration Regulations; Conforming Changes to the EAR Based on Amendments to the International Traffic in Arms Regulations; Final Rule

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 736, 738, 740, 742, 744, 746, 748, 750, 758, 762, 772 and 774

[Docket No. 140221165–4165–01]

RIN 0694–AG11

Corrections and Clarifications to the Export Administration Regulations; Conforming Changes to the EAR Based on Amendments to the International Traffic in Arms Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: This final rule makes corrections and clarifications to the Export Administration Regulations (EAR) for six final rules published in 2013 and early 2014. This final rule also makes other needed technical corrections and clarifications to the EAR identified by BIS. In addition, this final rule makes two conforming changes to the EAR as a result of a final rule published by the Department of State on April 17, 2014.

DATES: *Effective Date:* This rule is effective June 5, 2014, except that amendatory instructions 44, 45, 47, 50, 51, 52, 53.a, 54, 55, 56.a, 58, 63, 65, 70, 71, and 72.a to Supplement No. 1 to part 774 are effective July 1, 2014.

FOR FURTHER INFORMATION CONTACT: Timothy Mooney, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–2440, Fax: (202) 482–3355, Email: *rpd2@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule makes corrections and clarifications to the Export Administration Regulations (EAR) for six final rules published in 2013 and early 2014. These corrections and clarifications to the EAR are necessary in light of earlier amendments to the EAR that are already in effect, as well as for a final rule published on January 2, 2014, that becomes effective July 1, 2014. The Bureau of Industry and Security (BIS) is correcting all six rules in this single final rule to minimize the number of correction rules for the public to review and because they are similar types of corrections and clarifications. The six final rules that are being corrected in this rule are: *Export Administration Regulations: Editorial Clean-Up of References to Foreign Trade Regulations* published on January 29, 2014 (79 FR 4613) (referred to hereafter as the January 29 rule); *Control of Military Training Equipment, Energetic Materials, Personal Protective Equipment, Shelters, Articles Related to Launch Vehicles, Missiles, Rockets, Military Explosives, and Related Items* published on January 2, 2014 (79 FR 264) (referred to hereafter as the January 2 rule); *Revisions to the Export Administration Regulations (EAR): Unverified List (UVL)* published on December 19, 2013 (78 FR 76741) (referred to hereafter as the December 19 rule); *Revisions to the Export Administration Regulations (EAR) To Make the Commerce Control List (CCL) Clearer* published on October 4, 2013 (78 FR 61874) (referred to hereafter as the October 4 rule); *Revisions to the Export Administration Regulations: Military Vehicles; Vessels of War; Submersible Vessels, Oceanographic Equipment; Related Items; and Auxiliary and Miscellaneous Items That the President Determines No Longer Warrant Control Under the United States Munitions List* published on July 8, 2013 (78 FR 40892) (referred to hereafter as the July 8 rule); and *Revisions to the Export Administration Regulations: Initial Implementation of Export Control Reform* published on April 16, 2013 (78 FR 22660) (referred to hereafter as the April 16 rule). This final rule also makes other needed technical corrections and clarifications to the EAR that BIS has identified.

The background section of this final rule describes these corrections and clarifications in the following order: (A) January 29 rule corrections and clarifications, (B) January 2 rule corrections and clarifications, (C) December 19 rule corrections and clarifications, (D) October 4 rule corrections and clarifications, (E) July 8 rule corrections and clarifications, (F) April 16 rule corrections and clarifications, and (G) other corrections and clarifications to the EAR.

(A) January 29 Rule Corrections and ClarificationS

BIS provides the following corrections to the January 29 rule, which became effective upon publication. The corrections included in this final rule for the January 29 rule become effective on the date of publication of this final rule.

In Supplement No. 2 to part 736—Administrative Orders, Administrative Order Two, under paragraph (a)(3), the January 29 rule used the term ''Administration Order,'' but the rule intended to use the term ''Administrative Order.'' This final rule removes the term ''Administration Order'' and adds in its place the correct term ''Administrative Order.''

In § 740.15(c)(2)(iv), the January 29 rule revised this paragraph to use the phrase ''filed to the Automated Export System (AES),'' but the January 29 rule also added in the same sentence the phrase ''record is filed'' in that same paragraph after ''(AES)''. This final rule deletes the redundant phrase ''record is filed'' after ''(AES)'' because the phrase ''filed to'' is also used in the same paragraph when referring to AES.

In § 758.1(b)(3), this rule reinserts text that was inadvertently removed in the January 29 rule. The reinserted text originally was added to paragraph (b)(3) in *Revisions to the Export Administration Regulations (EAR): Initial Implementation of Export Control Reform; Correction* published on October 3, 2013 (78 FR 61744). This final rule reinserts the phrase ''or otherwise described'' after the term ''enumerated'' in paragraph (b)(3).

(B) January 2 Rule Corrections and Clarifications

BIS provides the following corrections and clarifications to the January 2 rule, which becomes effective on July 1, 2014. These include correcting typographical errors and inserting omitted quotation marks and other text for consistency with other provisions of the Commerce Control List (CCL) set forth in Supplement No. 1 to part 774 of the EAR. All of the corrections and clarifications in this Section B are to Export Control Classification Numbers (ECCNs).

Typographical Errors and Other Corrections for January 2 Rule

ECCNs 0A604, 0A614, 0A988, 0B604, 0B614, 1C239, and 1C608. This final rule corrects the capitalization in the headings of these seven ECCNs, so only the first term of the heading is capitalized. This final rule makes this change for consistency with the format used in other ECCN headings on the CCL.

ECCNs 0B604, 0B614, 0D001, 0D604, 0D614, 0E001, 0E604, 0E614, 1A613, 1B608, 1B613, 1C018, 1C608, 1D018, 1D608, 1D613, 1E001, 1E101, 1E201, 1E608, 9A604, 9B115, 9B116, 9B604, 9D001, 9D002, 9D003, 9D104, 9D604, 9E001, 9E101, 9E102, and 9E604. This final rule corrects a typographical error in the headings of these ECCNs by adding a period at the end of each of these headings. This final rule makes this change for consistency with the format used in other ECCN headings on the CCL.

ECCN 0E614. This final rule corrects a typographical error in ECCN 0E614 by

adding a comma between the terms ''repair'' and ''overhaul'' in paragraph .a under the ''Items'' heading in the List of Items Controlled section.

ECCNs 0D001, 1A007, 1D018, and 1E001. This final rule adds quotation marks to the term ''specially designed'' in these ECCNs for consistency with the use of quotation marks for this defined term when used on the CCL.

ECCNs 0A604, 0A614, 1A005, 1A613, 1B608, 1C239, 9A604, 9D001, 9D002, 9D003, 9D104, 9E001, 9E002, 9E101, and 9E102. This final rule adds quotation marks to the term ''subject to the ITAR'' where not already present in these ECCNs for consistency with the use of quotation marks for this defined term when used on the CCL.

Conforming Changes and Clarifications for January 2 Rule

In addition, BIS makes changes to the CCL to conform to text adopted in the October 4 rule. These changes are not substantive, but rather address needed conforming changes for consistency of the CCL and the changes included in the October 4 rule.

ECCNs 0D604, 0E604, 1A613, 1D608, 1E608, 9D604, and 9E604. This final rule corrects the heading of these ECCNs to add the phrase ''(see List of Items Controlled).'' This correction is needed because each of these ECCNs includes a description of ''items'' that are classified under the ''Items'' paragraph in the List of Items Controlled section. Therefore, these ECCN headings should include the phrase ''(see List of Items Controlled)'' at the end of each of these headings.

ECCN 1A613. This final rule revises the ''items'' paragraph in the List of Items Controlled section to add in paragraph (e) a specific description of a type of personal protective ''equipment'' ''specially designed'' for military applications that are controlled under this ECCN, namely atmospheric diving suits ''specially designed'' for rescue operations for submarines controlled by the USML or the CCL. The general control on protective personnel equipment that was in paragraph (e) has been moved to paragraph (f). These changes do not result in new controls because such diving suits were within the scope of the general control on protective personnel equipment (that is not in paragraph (f)). BIS is making this clarifying change in response to questions from the public regarding where such diving suits were controlled.

BIS further intends for this clarification to help resolve any misunderstanding that may have resulted from an erroneous statement published in the **Federal Register** on June 7, 2012 in the preamble to a proposed rule. (*Revisions to the Export Administration Regulations (EAR): Control of Personal Protective Equipment, Shelters, and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML),* 77 FR 33688, 33689). That proposed rule included the phrase, ''BIS proposed to move anti-gravity suits, pressure suits, and atmosphere diving suits, currently controlled in the USML under Category X(a)(3), (a)(4), and (a)(5), respectively, to ECCN 9A610 in the November 7 proposed rule'' (referring to *Revisions to the Export Administration Regulations (EAR): Control of Aircraft and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)* (76 FR 68675, Nov. 7, 2011)). BIS's June 7 statement was correct with respect to USML Category X(a)(3) and (a)(4), but erroneous with respect to USML Category X(a)(5), because articles controlled under USML Category X(a)(5) were not proposed to move to ECCN 9A610 in the November 7 rule.

BIS has also received questions regarding how anti-gravity suits (''G-suits'') and pressure suits capable of operating at altitudes higher than 55,000 feet above sea level are classified on the CCL. Because these suits are already classified under ECCN 9A610 under ''items'' paragraphs (g), which relates to suits used in aircraft, they are not classified under ECCN 1A613 and no further changes to the CCL are necessary. To make this clearer to the public, this final rule also adds a new ''Related Controls'' paragraph (3) to ECCN 1A613 to alert persons reviewing ECCN 1A613 to also see ECCN 9A610.g for anti-gravity suits (''G-suits'') and pressure suits capable of operating at altitudes higher than 55,000 feet above sea level.

(C) December 19 Rule Corrections and Clarifications

BIS provides the following correction to the December 19 rule, which became effective on January 21, 2014.

In § 762.2 (Records to be retained), the December 19 rule revised paragraph (b)(13) to reference § 744.15(b). In revising this paragraph, BIS inadvertently overwrote text in (b)(13) that was added in the April 16 rule that BIS did not intend to remove. This final rule corrects this error by making three changes to § 762.2. Specifically, this final rule: (1) Reinserts the April 16 rule text into paragraph (b)(13); (2) adds a new paragraph (b)(52) for the recordkeeping text that was intended to be added to (b)(52) in the December 19 rule, as well as making punctuation changes needed because of the addition of (b)(52); and (3) adds new paragraph (b)(53) described below in Section F (Other corrections and clarifications to the EAR).

(D) October 4 Rule Corrections and Clarifications

BIS provides the following corrections and clarifications to the October 4 rule, which became effective in part on October 15, 2013, and in part on January 6, 2014. These include correcting typographical errors, inserting omitted quotation marks, and redesignating certain paragraphs to make those paragraphs easier to identify. In addition, this final rule makes corrections and clarifications to the CCL and other parts of the EAR to conform to the practices established in the October 4 rule, as well as for consistency with other final rules.

Typographical Errors and Other Corrections for October 4 Rule

ECCNs 1A004, 1A101, 1C111, 2B350, 3E982, 5A002, 6A998, 7D101, 8E001, and 9A990. This final rule corrects typographical errors in these ECCNs, such as adding an ''s'' at the end of the term ''chemical warfare agent'' in ECCN 1A004 and removing the word ''which'' in ''Related Controls'' paragraph (2) of ECCN 1A101 because it is not needed.

ECCNs 1A001, 2A291, 3A001, 5A001, 5B001, and 6A004. This final rule adds quotation marks to defined terms, such as ''specially designed,'' ''components,'' ''accessories,'' and ''attachments'' in these ECCNs for consistency with the use of quotation marks established in the October 4 rule.

ECCNs 4A003 and 7E002. This final rule corrects the paragraph designation used in the ''Related Controls'' paragraphs in ECCN 7E002 to make these paragraphs easier to identify. This final rule also corrects the paragraph designation for ''Note 1'' to ECCN 4A003 to refer to this note as ''Note to 4A003'' because pursuant to the October 4 rule, there is now only one note to the License Requirements section of ECCN 4A003.

Conforming Changes and Clarifications for October 4 Rule

The corrections described in this section are conforming changes to the CCL for the text adopted in the October 4 rule. These changes are not substantive, but improve consistency of the CCL and the EAR. They also include clarifications to address questions BIS has received since publishing the October 4 rule. In addition, the

corrections described below for ECCNs 2B352, 5A980, 6A002 and 9A120 reinsert text into those ECCNs to ensure consistency with past rulemakings.

In § 738.4(b)(2) (Sample CCL entry), this final rule corrects the sample entry to conform to the new CCL entry section headings and table headings included in the October 4 rule, such as correcting the ''License Exceptions'' section heading in the sample CCL entry to correctly read as ''List Based License Exceptions (See Part 740 for a description of all license exceptions).''

In § 774.1(b)(3) (Multilateral export control regime references . . .), this final rule revises paragraph (b)(3) to add text that was intended to be included in that paragraph, but inadvertently was not included in the October 4 rule. In addition, to conform to the correction made to ECCN 0D001, this final rule also corrects in § 774.1 the Note to paragraph (b) to provide a reference to the Heading Note that is being added to ECCN 0D001 in this final rule.

ECCNs 0D001, 0E001 and 2B999 and Technical Note to CCL Category 1, Product Group C. This final rule corrects these three ECCNs and this Technical Note by removing references to fourteen ECCNs in which items subject to the exclusive jurisdiction of the Nuclear Regulatory Commission (NRC) previously were classified. These ECCNs were removed from the CCL in the October 4 rule. (With these corrections, the January 2 rule's revisions to the headings of ECCNs 0D001 and 0E001, which consisted of updating these two headings to specifically exclude the ''600 series'' ECCNs added to the CCL in that rule, are no longer needed.) In addition to removing these references, this final rule adds regulatory text to ECCNs 0D001 and 2B999 to specify that the NRC has jurisdiction for certain nuclear related items. As a conforming change to the removal of the references to the fourteen ECCNs in ECCN 0D001, this final rule adds text to ECCN 0E001 to specify that the Department of Energy has export licensing authority for ''technology'' for the items subject to export licensing authority of the NRC. Elsewhere, the EAR also makes this type of jurisdictional reminder, such as in Supplement No. 3 to part 730—Other U.S. Government Departments and Agencies with Export Control Responsibilities. As described above, a conforming change correction was also made in § 774.1 for the Note to paragraph (b) that references ECCNs 0D001 and 0E001.

ECCN 1A984. This final rule amends the last phrase in the heading of ECCN 1A984, ''other pyrotechnic articles having dual military and commercial use'' to read ''other pyrotechnic articles (excluding shotgun shells) having dual military and commercial use, and ''parts'' and ''components'' ''specially designed'' therefor, n.e.s.'' Through this amendment, BIS seeks to clarify that it intended for ''parts'' and ''components'' ''specially designed'' for ''other pyrotechnic articles (excluding shotgun shells) having dual military and commercial use'' that are not elsewhere specified on the CCL to be classified under ECCN 1A984. This heading should have been amended in the October 4 rule when similar conforming changes and clarifications were made to the EAR. These changes do not expand the scope of ECCN 1A984, but serve to clarify the ECCN.

The term ''articles'' is not defined in the EAR. However, ''articles,'' as used in the EAR, could be interpreted to include ''parts'' and ''components.'' The October 4 rule made a number of changes to the CCL to conform to the new definitions of ''parts'' and ''components'' that were added to the EAR in the April 16 rule. Before making the October 4 rule conforming changes, BIS determined where the terms ''parts'' and ''components'' should be added to the CCL to preserve the intended scope of each ECCN while conforming to the new April 16 rule definitions. In doing so, BIS focused primarily on ECCNs in which either ''part'' or ''component'' was already used. Because ECCN 1A984 does not use one of those terms, the October 4 rule inadvertently did not amend this ECCN at the same time as other similar ECCNs. BIS indicated in the October 4 rule that, over time, BIS may further refine the use of the terms ''parts'' and ''components'' on the CCL (*see* 78 FR 61878). When BIS reviewed ECCN 1A984, it determined that the longstanding intent of this ECCN has been to control ''parts'' and ''components'' for some of the commodities classified under it. Therefore, ''parts'' and ''components'' should have been added to the heading of ECCN 1A984 in the October 4 rule. As stated in the October 4 rule, BIS is not attempting to add additional references to ''parts'' and ''components'' in this final rule that would change the scope of what ECCN 1A984 controls. The intent identified in this final rule is consistent with past BIS interpretation of and licensing under ECCN 1A984.

In addition, this final rule adds the phrase ''(excluding shotgun shells)'' after the term ''articles'' to clarify the delineation between ECCN 1A984 and existing ECCN 0A986.

Among other things, this edit will make clear that ''items'' such as ''specially designed'' rubber finned projectiles for 38/40 mm rounds are included in ECCN 1A984, and that tiny rubber balls incorporated by manufacturers into ''items,'' but used for multiple other purposes that would meet one of the paragraph (b) ''releases'' in the definition of ''specially designed'' set forth in § 772.1 of the EAR, are not within the scope of ECCN 1A984.

ECCNs 2B352 and 9A120. This final rule corrects ECCN 2B352 by revising paragraph (h) to reinsert text that was inadvertently removed in the October 4 rule when paragraph (h) was revised. This final rule also corrects the introductory text of ''Items'' paragraph (i) in ECCN 2B352, which was the original intent of the October 4 rule. Paragraph (i) was not revised correctly because the October 4 rule did not take into account a June 5, 2013, final rule (78 FR 33698), which redesignated paragraphs (g) and (h) as paragraphs (h) and (i), respectively. This final rule also corrects for the same reason the ''Technical Notes'' paragraph 2 at the end of the ''Items'' paragraph that references ECCN 2B352.h, which should be 2B352.i. ECCN 9A120 is also being corrected with this final rule to remove the reference to ECCN 2B352.h and add in its place 2B352.i.

ECCN 5A980. This final rule corrects the heading in ECCN 5A980 to remove the reference to ECCN 5A001.i, and adds in its place 5A001.f.1. Based on a June 20, 2013, final rule (78 FR 37389), paragraph .i of ECCN 5A001 is reserved, and the correct reference is therefore 5A001.f.1.

ECCNs 1E001, 5B001, and 6A002. This final rule corrects the STA paragraphs in the ''Special Conditions for STA'' sections of ECCNs 1E001, 5B001 and 6A002 to remove the reference to destinations in § 740.20(c)(2) and replace that with the intended reference to destinations in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR). In the October 4 rule, this same change was made to other ECCNs that included STA paragraphs, but inadvertently was not implemented for these three ECCNs. In addition, this final rule corrects the STA paragraph in the ''Special Conditions for STA'' section of ECCN 6A002 to restore text that was inadvertently deleted in the October 4 rule to accurately reflect which ECCN 6A002 commodities are excluded from License Exception STA. The October 4 rule change to ECCN 6A002's STA paragraph was intended to be limited to updating the reference from (c)(2) to Country Group A:6, as well as moving the STA paragraph under the new ''Special Conditions for STA'' section heading. However, the

October 4 rule inadvertently removed some of the exclusion text under ECCN 6A002. This final rule adds those additional ''Items'' paragraph references back into the STA paragraph in 6A002, so it now correctly states that License Exception STA may not be used to ship to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR) any commodity classified under ECCN 6A002 paragraphs: 6A002.a.1.a, a.1.b or a.1.c; 6A002.a.3.c, a.3.d, a.3.e, or a.3.f; or 6A002.b.

ECCNs 6B995 and 9B991. This final rule revises the headings of ECCNs 6B995 and 9B991 to make the intent of the headings clearer and to use a structure that is more consistent with the rest of the CCL. The October 4 rule revised both of these headings, but questions received from the public since publication suggested that the changes made for clarity did not achieve the intended objective. The scope and substance of the two ECCNs are not changed, as this correction is limited to revising the two headings to clarify what is classified under those two ECCNs.

ECCN 8A992. The October 4 rule removed ECCN 8A918 and moved these commodities to ECCN 8A992.l and .m, respectively, because they are not inherently military items and warrant only an AT control. To conform to the removal of ECCN 8A918, this final rule corrects ECCN 8A992 to remove an inadvertently retained UN control paragraph in the License Requirement section.

ECCN 9A619. This final rule removes the term ''aircraft'' before the term ''commodities'' in ECCN 9A619.y introductory text because ECCN 9A619 also controls commodities for gas turbine engines, such as those for aircraft, ship, and land vehicles. Inadvertent use of the term ''aircraft'' was inconsistent with the rest of ECCN 9A619. This is not a substantive change to the scope of the ECCN 9A619, but rather this is a change made for consistency with the scope of ECCN 9A619 and the original intent of the commodities to be classified under this ECCN.

ECCNs 9B115, 9B116, and 9E101. The October 4 rule revised the headings of ECCNs 9B115 and 9B116 to indicate that the ECCNs identified in these headings include ECCNs 9A103 to 9A109, among others. However, the ''Related Controls'' paragraphs in ECCNs 9B115 and 9B116, instead of referencing ECCNs 9A103 to 9A109 incorrectly includes ECCNs 9A104 to 9A109. Similarly, the October 4 rule revised the heading of ECCN 9E101 reference ECCNs 9A103 to 9A111, among others, but the ''Related Controls'' paragraph of ECCN 9E101 references 9A104 to 9A111. This final rule removes 9A104 and adds 9A103 in its place in the ''Related Controls'' paragraphs of ECCNs 9B115, 9B116 and 9E101.

ECCNs 9B610 and 9B619. The October 4 rule revised the ''Related Controls'' paragraphs of ECCNs 9B610 and 9B619 to add in the ''Related Controls'' section ''equipment'' controlled under USML Category VIII(h)(1) and USML Category XIX(f)(1), respectively. This text is identical to the control text in USML Category VIII(h)(1) and USML Category XIX(f)(1). The ITAR-controlled ''equipment'' referred to in the ''Related Controls'' paragraphs does not include the items described in ECCNs 9B610 or 9B619. This final rule amends these two ''Related Controls'' paragraphs to make this point more clear.

Lastly, under ECCN 9B610, this final rule adds quotation marks around the defined terms, ''parts,'' ''components,'' ''accessories,'' ''attachments,'' and ''specially designed'' in the ''Related Controls'' paragraph in the List of Items Controlled section of 9B610 to make the ECCN consistent with the quotation marks practice described in the April 16 rule and with other references to these defined terms on the CCL. In addition, this final rule adds a second sentence to the ''Related Controls'' paragraph to also reference USML Category VIII(h)(2)–(26), in addition to USML Category VIII(h)(1).

(E) July 8 Rule Corrections and Clarifications

BIS provides the following corrections and clarifications to the July 8 rule, which became effective on January 6, 2014. These include correcting typographical errors, inserting omitted quotation marks, and adding text for consistency with other final rules and the structure of the CCL.

Typographical Errors and Other Corrections for July 8 Rule

ECCNs 0A606, 0A617, 0E018, and 8A609. This final rule corrects typographical errors in these ECCNs, such as deleting an extra semicolon in ''Items'' paragraph y.8 in the List of Items Controlled section of ECCN 8A609 and adding a period that was mistakenly not included in ECCN 0E018.

ECCNs 0A606, 0A617, 8A018, and 8A620. This final rule adds quotation marks to certain uses of defined terms, such as ''specially designed,'' ''components,'' and ''parts'' in these ECCNs for consistency with the use of quotation marks practice identified in the July 8 rule.

ECCN 0A617. This final rule adds the ''Related Definitions'' paragraph after the ''Related Controls'' paragraph in ECCN 0A617. The ''Related Definitions'' paragraph does not define any terms in this ECCN because it is designated as ''N/A.'' However, for the sake of consistency with the other ECCNs on the CCL that include a ''List of Items Controlled'' section, the ''Related Definitions'' paragraph should have also been included in ECCN 0A617.

ECCNs 0A918 and 8C609. This final rule adds the phrase ''(see List of Items Controlled)'' to the end of the headings for ECCNs 0A918 and 8C609. Both ECCNs include a description of the ''Items'' controlled in the List of Items Controlled section. For the sake of consistency with the structure used for other ECCNs on the CCL, the phrase ''(see List of Items Controlled)'' should have been included in these ECCNs.

(F) April 16 Rule Corrections and Clarifications

BIS provides the following corrections and clarifications to the April 16 rule, which became effective on October 15, 2013. These include correcting typographical errors, inserting omitted quotation marks and redesignating certain paragraphs to make those paragraphs easier to identify. In addition, this final rule makes corrections and clarifications to the CCL and other parts of the EAR to conform to the amendments made in the April 16 rule, as well as for consistency with other final rules.

Typographical Errors and Other Corrections for April 16 Rule

In Supplement No. 1 to Part 748, Block 24; § 772.1, ''specially designed'' definition, Note 1 to paragraph (a)(1); and Supplement No. 4 to Part 774—Commerce Control List Order of Review, paragraph (a)(5), this final rule corrects typographical errors in these EAR references. These changes include adding a space between two words in Supplement No. 1 to Part 748, Block 24, removing an errant closed parenthesis at the end of the same sentence and removing an extra ''a'' in Note 1 to paragraph (a)(1) of ''specially designed'' because it is not needed.

In Supplement No. 1 to part 736, under General Order No. 5, this final rule corrects the paragraph designations used in the General Order No. 5 paragraphs for consistency with the *Federal Register Drafting Handbook* for paragraph designations and to make these paragraphs easier to identify. The title General Order No. 5 will be

preceded by paragraph designation (e), in keeping with the other General Orders, and all of the other paragraphs in General Order No. 5 are redesignated one paragraph level lower. For example, this final rule redesignates paragraph (a) as paragraph (e)(1).

In §§ 744.17(d) and 744.21, this final rule makes conforming changes consistent with the intent of the April 16 rule. The April 16 rule revised §§ 744.17(d) and 744.21 to use single quotation marks around the term 'military end use' and delete the hyphen in the term ''end-use.'' However, § 744.17(d) currently retains the hyphen and, because the amendatory instruction for § 744.21 did not include revising the section heading, the single quotation marks and deletion of the hyphen were not incorporated into the EAR for § 744.21. This final rule corrects the paragraph heading of § 744.17(d) and the section heading of § 744.21 to add single quotation marks around 'military end use' in the latter and delete the hyphen in ''end use'' for both, as intended in the April 16 rule.

Conforming Changes and Clarifications for April 16 Rule and Revisions to License Exception GOV

The corrections described in this section are conforming changes and clarifications to the CCL for the amendments included in the April 16 rule. These changes are not substantive, but rather address needed conforming changes for consistency of the CCL and the rest of the EAR, as well as clarifications to address questions BIS has received since the publication of the April 16 rule.

In § 736.2(b)(3) (General Prohibition Three—Reexport and export from abroad of the foreign-produced direct product of U.S. technology and software (Foreign-Produced Direct Product Reexports)), this final rule clarifies the country scope of prohibition for ECCN 0A919 by adding a sentence to the end of paragraph (b)(3)(i) that is specific to 0A919 and adopts the same country scope of prohibition as the additional country scope of prohibition for ''600 series'' items in paragraph (b)(3)(iii). Although 0A919 commodities are not ''600 series'' items, they are military commodities and should have the same country scope prohibitions as ''600 series'' items under the direct product rule. Lastly, as a clarification for paragraph (b)(3)(i), this final rule adds the phrase ''or export from abroad'' after the term ''reexport'' for consistency with paragraph (b)(3)(iii).

In § 740.2(a)(13)(vi) (Restrictions on all license exceptions), this final rule revises and simplifies paragraph (a)(13)(vi), which is the paragraph for the general restrictions on the use of license exceptions for ''600 series'' items that refers to the eligibility of License Exception STA for ''600 series'' items. The final rule revises the introductory text under paragraph (a)(13)(vi) to specify that License Exception STA under § 740.20(c)(1) of the EAR is available to overcome the general restrictions on the use of license exceptions for ''600 series'' items, provided all of the applicable terms and conditions, including those specific to the ''600 series'' are met. This amendment does not change the requirements for or limitations on the use of License Exception STA for ''600 series'' items. Specifically, this final rule simplifies the reference to License Exception STA by deleting paragraphs (a)(13)(vi)(A), (B), (C) and (D) and revises the introductory text to conform to references to the other license exceptions that are eligible for ''600 series'' items as specified under paragraph (a)(13). BIS makes this change in this final rule to avoid restating the same requirements in different sections of the EAR. The change is also necessary to reduce the danger that someone may mistakenly believe that the License Exception STA paragraphs in (a)(13)(vi)(A), (B), (C) and (D) contain a complete list of the applicable terms and conditions of License Exception STA. In addition, this final rule revises the last sentence in the introductory text of paragraph (a)(13) for clarity, but does not change the meaning of paragraph (a)(13).

In § 740.10 (License Exception Servicing and replacement of parts and equipment (RPL)), this final rule removes the term ''U.S. origin'' modifying the terms ''parts, components, accessories, or attachments,'' ''commodity or software'' and ''equipment.'' This final rule also removes the term ''U.S. origin'' and replaces it with the phrase ''subject to the EAR'' with, at times, the citation ''(see § 734.2(a) of the EAR).'' This final rule also removes the term ''U.S. origin'' in paragraphs (a)(2)(ii), (a)(4)(i), (b)(1), and (b)(3) of License Exception RPL to better conform to the corresponding ITAR exemption under § 123.4(a)(1)(22 CFR 123), where the term ''U.S. origin'' is not used. The April 16 rule stated on page 78 FR 22669 that ''a general principle underlying the incorporation of the '600 series' into the EAR is that, because items subject to the EAR are less militarily significant than those subject to the ITAR, EAR exceptions should not be more restrictive than comparable ITAR exemptions.'' The use of the term ''U.S. origin'' in License Exception RPL is another example where an EAR license exception is more restrictive than the corresponding ITAR exemption and therefore, the term ''U.S. origin'' should have been removed from License Exception RPL consistent with the other changes made in the April 16 rule to other EAR license exceptions. BIS became aware of this needed correction based on questions received from the public after the April 16 rule became effective on October 15, 2013. In addition, because the scope of the EAR extends beyond U.S. origin items, such as to foreign origin items that are ''subject to the EAR,'' License Exception RPL under paragraphs (a) and (b) should also be available for those foreign origin items that are ''subject to the EAR'' in addition to U.S. origin items that are subject to the EAR. These corrections will preserve the intended scope of License Exception RPL and also better correspond to the ITAR exemption under § 123.4(a)(1) and may result in a slight reduction in the number of license applications received by BIS.

In § 740.11(c), this final rule revises License Exception GOV to allow items subject to the EAR to be exported, reexported, or transferred (in-country) to agencies of the North Atlantic Treaty Organization (NATO) in accordance with the terms and conditions of that license exception. Thus, NATO agencies will be treated like cooperating governments in that provision of GOV. Under new paragraph (c)(2)(ii), License Exception GOV will be available for the official use of a cooperating government's military end user, for a cooperating government's military end use, or for a NATO agency. Unlike paragraph (c)(2)(i), new paragraph (c)(2)(ii) has no territorial restriction on where the items may be used. These revisions will enable the United States to improve interoperability with NATO and other close allies. Lastly, as a conforming change to the capitalization of section headings in the EAR, this final rule revises the section heading for 740.11 to make all terms used in the section heading lower case, except for the first term used in the section and proper nouns used in the section heading.

In §§ 740.12(a), 740.13(d)(1), and 740.15(c)(1) and (c)(2), this final rule redesignates the footnotes in part 740 as a conforming change to the April 16 rule revisions to § 740.9 that included the removal of footnote 1 to paragraph (b)(1)(iv) in that section. The April 16 rule did not redesignate the other footnotes used in part 740, so there is no longer a footnote 1 to part 740. To redesignate the footnotes in part 740, so

the footnotes begin with footnote 1, the final rule redesignates footnote 2 to § 740.12(a) as footnote 1; footnote 3 to § 740.13(d)(1) as footnote 2; and footnotes 4 and 5 to § 740.15(c)(1) and (c)(2) as footnotes 3 and 4, respectively.

In § 740.20 (License Exception Strategic Trade Authorization (STA)), this final rule makes six clarifications to License Exception STA. The first and second are the clarification being made to paragraph (b)(3)(ii)(B) and a corresponding change to paragraph (d)(2)(vii)(B), the third and fourth are the clarification being made to paragraph (b)(3)(ii)(C) and a corresponding change to paragraph (d)(2)(vi)(C), the fifth is a conforming change in Note to paragraph (c)(1) for text used in other parts of License Exception STA, and the sixth is a clarification in the form of one additional sentence that this final rule adds to further remind exporters, reexporters, and transferors of the requirement to obtain a prior consignee statement consistent with the requirement of paragraph (d)(2) (Prior Consignee Statement) and the addition of a new paragraph to the prior consignee statement. These corrections and conforming changes are described below.

In § 740.20, under paragraphs (b)(3)(ii)(B) and (d)(2)(vii)(B) (which was formerly designated as paragraph (d)(2)(vi)(B)), this final rule revises paragraphs (b)(3)(ii)(B) and (d)(2)(vii)(B) to clarify what is intended by the phrase ''that will ultimately be used by'' when a ''600 series'' item is exported, reexported or transferred (in-country) to a country in Country Group A:5 that will be subsequently sent to the United States for use by a person in the United States. The text could be read to mean that ''600 series'' items that are sent to the United States must ultimately be used by a U.S. person, which was not the intended interpretation. As described in greater detail below, in order to clarify the intended meaning, this final rule revises paragraphs (b)(3)(ii)(B) and (d)(2)(vii)(B) by creating two identical paragraphs under each. Those paragraphs' introductory requirements, specifying that the items must be for the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of an item in one of the countries listed in Country Group A:5 or the United States, are retained from the April 16 rule.

This final rule moves the remaining requirements of paragraph (b)(3)(ii)(B) to new paragraphs (b)(3)(ii)(B)*(1)* and (b)(3)(ii)(B)*(2),* and the remaining requirements of paragraph (d)(2)(vii)(B) to new paragraphs (d)(2)(vii)(B)*(1)* and (d)(2)(vii)(B)*(2),* respectively. The new paragraphs, (b)(3)(ii)(B)*(1)* and (d)(2)(vii)(B)*(1),* specify that the items must be ultimately used by government agencies in one of the countries listed in Country Group A:5 or the United States Government.

This final rule also adds new paragraphs (b)(3)(ii)(B)*(2)* and (d)(2)(vii)(B)*(2)* to specify that items sent to a person in the United States and not for subsequent export under § 740.9(b)(1) (License Exception TMP for items moving in transit through the United States) are also within the scope of paragraph (b)(3)(ii)(B) and (d)(2)(vii)(B). The new paragraphs (b)(3)(ii)(B)*(2)* and (d)(2)(vii)(B)*(2)* clarify the requirements for when items will be sent to a person in the United States that may or may not be ultimately used by a U.S. person. However, any subsequent export of a ''600 series'' item from the United States, including after incorporation into another item in the United States, must comply with U.S. export control laws. This final rule also clarifies in paragraphs (b)(3)(ii)(B)*(2)* and (d)(2)(vii)(B)*(2)* that ''600 series'' items sent to a person in the United States must not be for subsequent export under § 740.9(b)(1) (License Exception TMP for items moving in transit through the United States). This is not a substantive change and is limited to clarifying the original intent of License Exception STA for ''600 series'' items sent to a person in the United States.

In § 740.20 under paragraphs (b)(3)(ii)(C) and (d)(2)(vii)(C), this final rule revises paragraphs (b)(3)(ii)(C) and (d)(2)(vii)(C), which prior to this final rule was designated as paragraph (d)(2)(vi)(C), to remove the phrase ''the consignee has,'' adds the term ''exists'' after the words ''such authorization,'' and to remove the term ''provides'' and in its place add the phrase ''has provided.'' This change is made to paragraph (b)(3)(ii)(C) to conform to the intent of this requirement, which was to confirm that the United States Government has otherwise authorized the ultimate end use and the consignee confirms the authorization exists. This change is also intended to clarify that the license or other approval identifier must be sent before the export, reexport or transfer occurs.

This requirement was not intended to be limited to whether the consignee that receives a ''600 series'' item under License Exception STA has such authorization itself, but rather whether such an authorization exists for the ultimate end-use of the item. In certain fact patterns, the consignee may have such authorization, as reflected in the April 16 rule. However, for STA consignees that are manufacturers earlier in a supply chain, such as an aircraft ''component'' manufacturer, it is likely that the person that will have the authorization described in (b)(3)(ii)(C) is further along the chain, such as the aircraft manufacturer or other person selling the aircraft. If the consignee earlier in the process can confirm with the company later in the supply chain, such as the aircraft manufacturer or other person selling the aircraft, that the United States Government has otherwise authorized the ultimate end use, that confirmation will be sufficient to meet the criteria of paragraph (b)(3)(ii)(C) as clarified by this final rule. In the prior consignee statement paragraph in (d)(2)(vii)(C), this final rule makes the same clarification as a conforming change to the revised paragraph (b)(3)(ii)(C).

In § 740.20 under Note to paragraph (c)(1), this final rule corrects the Note to paragraph (c)(1) to make a conforming change by adding the phrase ''or other approval'' after the term ''license.'' The requirement specified in Note 1 to paragraph (c)(1) can be met under a previously approved license or other approval (i.e., DDTC Manufacturing License Agreement (MLA), Technical Assistance Agreement (TAA), Warehouse Distribution Agreement (WDA), or General Correspondence approval (GC)) issued by BIS or DDTC, U.S. Department of State. The phrase ''or other approval'' is used in other parts of License Exception STA, including in paragraph (c), and this text was also intended to be included in the Note to paragraph (c).

In § 740.20(d)(2) (Prior Consignee Statement), this final rule adds one sentence to the introductory text of paragraph (d)(2) as an additional reminder that each party using License Exception STA to export, reexport or transfer (in-country), including reexporters and transferors of items previously received under License Exception STA, must obtain a prior consignee statement from its consignee and retain the statement required by paragraph (d)(2). Paragraph (d)(2) already includes this requirement, but based on questions BIS received regarding whether a reexporter or transferor of items previously received under License Exception STA must obtain and retain the statement required by paragraph (d)(2), BIS determined that adding another sentence to the introductory text of this paragraph would be helpful. For example, a company exports an item eligible for License Exception STA to a consignee located in Germany. The U.S. exporter

obtained the prior consignee statement from the consignee in Germany prior to making the export authorized under License Exception STA, as well as meeting the other applicable terms and conditions of License Exception STA. The company in Germany decides to reexport the item received under License Exception STA to a consignee in France. The German company in this scenario must obtain the prior consignee statement from the consignee in France prior to using License Exception STA, just as the U.S. exporter obtained the prior consignee statement before exporting to Germany.

In addition, this final rule redesignates paragraphs (d)(2)(iv), (v), (vi) and (vii), as paragraphs (d)(2)(v), (vi), (vii) and (viii) respectively. This final rule redesignates these paragraphs, so a new paragraph (d)(2)(iv) can be added for the prior consignee statement. This final rule adds a new paragraph (d)(2)(iv) to specify that the prior consignee statement must also include a statement that the consignee agrees to obtain a prior consignee statement when using License Exception STA for any reexport or transfer (in-country) of items previously received under License Exception STA. The obligation to get a retransfer certification as part of the prior consignee statement under License Exception STA is no more of a burden than the need to get a retransfer authorization under 22 CFR 123.9 (Country of ultimate destination and approval of reexports or retransfers) of the ITAR. As a conforming change this final rule revises the last two sentences of the introductory text of paragraph (d)(2) to clarify that paragraphs (d)(2)(i) through (vi) of this section are required for all transactions under License Exception STA. (This includes the new paragraph (d)(2)(iv) that is added with this final rule, as well as the former paragraphs (d)(2)(iv) and (d)(2)(v) that this rule redesignates as paragraph (d)(2)(v) and (vi)). The conforming changes also update the reference to the ''600 series'' by specifying that paragraph (d)(2)(vii) is required for all transactions in ''600 series'' items and paragraph (viii) of this section is required for transactions in ''600 series'' items if the consignee is not the government of a country listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR).

Lastly, this final rule adds to the end of paragraph (d)(2) a new requirement that the prior consignee statement must include the name and title of the person signing the document, and the date the document is signed. This is a change to the prior consignee statement, although based on BIS reviews of prior consignee statements, in many cases consignees have already been including such information as part of their prior consignee statements. Including such information is a good compliance practice and will help to better identify who provided the consignee statement and when the statement was provided, so this final rule adds these as additional elements to be included in the prior consignee statement along with the clarification to the prior consignee statement described above.

BIS recognizes that this rule's clarification to the prior consignee statement could have resulted in requiring exporters, reexporters and transferors to obtain new consignee statements. To avoid making those with existing consignee statements have to obtain replacement consignee statements simply to accommodate this rule's clarifications, the clarifications to the prior consignee statement will only apply to statements issued or amended after this rule becomes effective.

License Exceptions TMP and GOV cross-references are updated in this final rule to conform to changes implemented in the April 16 rule. Specifically, this rule updates the references to TMP in: § 740.2(a)(5)(i) and (ii) from § 740.9(a)(2)(ii) to § 740.9(a)(4) (for kits consisting of replacement parts); §§ 746.2(a)(1)(i), 746.4(c), and 746.9(b)(i) from § 740.9(a)(2)(viii) to § 740.9(a)(9) (for the news media); and § 758.1(c)(6) from § 740.9(a)(2)(i) to § 740.9(a)(1) (for tools of trade).

In addition, prior to those revisions, the criteria for export or reexport to U.S. government personnel and agencies under License Exception GOV was in § 740.11(b)(2)(i) and (ii) of the EAR and the criteria for export or reexport to agencies of a cooperating government were in § 740.11(b)(2)(iii) and (iv) of the EAR. As revised, the criteria relating to agencies and personnel of the U.S. government are now in § 740.11(b)(2) and those relating to agencies of a cooperating government are in § 740.11(c)(2). The April 16 rule also made additional types of transactions relating to agencies and personnel of the U.S. government eligible for License Exception GOV in order to make License Exception GOV consistent with U.S. government related license exemptions available under the ITAR. However, the rule making those additions did not make conforming changes to §§ 746.4(c) and 746.9(b) of the EAR, which limit use of license exceptions for exports and reexports to North Korea and Syria, respectively. BIS did not intend to limit U.S. government related transactions to those destinations more narrowly than U.S. government related transactions to other destinations. Accordingly, this rule revises §§ 746.4(c) and 746.9(b) of the EAR to allow use of License Exception GOV for all of the types of transactions described in § 740.11(b)(2) of the EAR.

In § 750.7(c)(1)(ix) (Direct exports, reexports, or transfers (in-country) to and among approved end users and ultimate consignee on a license), this final rule makes a correction to this paragraph by adding the phrase ''and ultimate consignee'' after the phrase ''to and among approved end users'' to specify that direct exports, reexports, or transfers (in-country) to and among approved end users and the ultimate consignee on a license are a non-material change to the license, provided the other terms and conditions of paragraph (c)(1)(ix) are met. This was the intent of the April 16 rule, but after receiving a question that asked whether the ''to and among'' concept described in paragraph (c)(1)(ix) was intended to include the ultimate consignee listed on the license, BIS recognized that the regulatory text did not refer to the ultimate consignee and decided to correct this omission in this final rule.

In § 762.2(b)(9) (Records to be retained), this final rule corrects that paragraph by removing the outdated reference to ''§ 740.13(f)'' (Technology and software—unrestricted TSU) and adding in its place the current paragraph reference ''§ 740.13(h).'' Paragraph (f) was redesignated as paragraph (h) in the April 16 rule, but this conforming change was not made to § 762.2, so this final rule reflects the new paragraph designation in § 740.13.

ECCNs 9A610 and 9A619. This final rule makes a clarification for the ''600 series'' .y paragraphs in 9A610 and 9A619. BIS has received questions from the public regarding the classification of ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for commodities specified in the respective ''600 series'' .y paragraphs. For example, galleys are classified under 9A610.y.9 and the public has asked whether ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for galleys, such as a sink ''specially designed'' for use in a galley, are also classified under 9A610.y. These questioners believed BIS's intent was likely that such ''parts,'' ''components,'' ''accessories,'' and ''attachments'' were also intended to be classified under those respective .y paragraphs and not under ''600 series'' .x paragraphs. To clarify the classification of such commodities, BIS adds the phrase ''and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed''

therefor'' to the end of the .y paragraphs in 9A610 and 9A619, making it clear that such commodities are also classified under the .y paragraphs in these respective ''600 series'' ECCNs.'' BIS has recently made this same clarification to the .y paragraphs in ECCNs 0A606, 0A617, 0B617, 8A609, 8A620, 8B609 and 8B620 in a correction rule for the July 8 rule. Subsequent ECR implementation final rules will also generally include such text regarding the scope of the respective .y paragraphs.

This final rule also makes a change to ECCN 9A610 to clarify where ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for commodities in ECCN 9A610.h are classified. The commodities classified in 9A610.h were moved from ECCN 9A018 in the April 16 rule. The former ECCN 9A018.e did not include a control on ''specially designed'' ''parts,'' ''components,'' ''accessories,'' and ''attachments,'' meaning such ''specially designed'' ''parts, ''components,'' ''accessories, and ''attachments'' prior to the April 16 rule, and dating back to the early 1990s, were designated as EAR99. For consistency with the Wassenaar Arrangement Munitions List (WAML) 10.g, the April 16 rule added ''parts, ''components,'' ''accessories,'' and ''attachments'' for items under ECCN 9A610.h, which was done with the 'catch-all' paragraph in ECCN 9A610.x based on ''specially designed.'' A person with ''components'' ''specially designed'' for commodities classified in ECCN 9A610.h raised the question whether it was BIS's intention to move the classification of such ''components'' from EAR99 to an ECCN with a worldwide license requirement, except for Canada, by classifying such ''components'' under 9A610.x.

BIS determined that, for consistency with WAML 10.g, such ''parts,'' ''components,'' ''accessories,'' and ''attachments'' should be classified under a ''600 series'' ECCN, but because they are militarily less significant, such ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for commodities in ECCN 9A610.h should have been classified in the April 16 rule as ''specially designed'' ''parts,'' ''components, ''accessories,'' and ''attachments'' under a paragraph in ECCN 9A610.y. This final rule makes this correction to ECCN 9A610 by adding a new ''Items'' paragraph y.30 in the List of Items Controlled section. This paragraph will clarify that ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for commodities other than electronic items or navigation equipment in ECCN 9A610.h are classified under 9A610.y.30, which is consistent with BIS's original intention for where such militarily less significant items should be controlled under the ''600 series.''

Finally, this final rule revises 9A610.h to add the term ''parachute'' between the phrase ''complete canopies'' to clarify the control is for complete parachute canopies and not complete cockpit canopies.

ECCN 9B619. This final rule corrects 9B619 by adding the phrase ''(see List of Items Controlled)'' to the end of the heading. ECCN 9B619 includes an ''Items'' paragraph in the List of Items Controlled, so the heading should include the phrase ''(see List of Items Controlled).'' This change is made for consistency with the CCL and past final rules that adopted this consistent structure for ECCN headings on the CCL.

(G) Other Corrections and Clarifications to the EAR

In addition to the corrections and clarifications described above, this final rule makes the following additional corrections and clarifications to the EAR, which resulted from amendments included in other final rules or other changes, such as removing a telephone number that is no longer needed in the EAR.

Other Typographical Errors and Corrections

ECCN 1C350. This final rule corrects 1C350.c.12 by removing the hyphen from Ethyldiethanolamine. The hyphen was unintentionally included when this paragraph was initially published in the **Federal Register** on December 29, 2004 (69 FR 77890).

In CCL Category 2, Product Group E, Materials Processing Table on Deposition Techniques, this final rule corrects the resultant coating for Molybdenum and Molybdenum alloy substrates in the Materials Processing Table on Deposition Techniques in the introductory portion of Category 2, Product Group E. The table listed the resultant coating as ''Dielectric Players'' and it is corrected to read ''Dielectric layers.''

Other Conforming Changes and Clarifications to Past Amendments to EAR

In § 740.9, this final rule makes a correction to the heading of paragraph (a)(6) (Inspection and calibration) by adding the terms ''test'' and ''repair'' to the heading of this paragraph. Paragraph (a)(6) includes the terms ''test'' and ''repair'' in the text of the paragraph, but the heading may give the mistaken impression that the scope of this paragraph is limited to inspection and calibration, so the heading is revised to read ''Inspection, test, calibration and repair,'' which more accurately reflects the scope of this paragraph.

Also in § 740.9 (Temporary Imports, Exports, Reexports, and Transfers (in-country) (TMP)), this final rule makes a correction to paragraph (c)(8) by removing the phrase ''paragraphs (a) through (e)'' and adding in its place ''paragraphs (a) through (d)'' for the reference to Supplement No. 6 to part 742. Supplement No. 6 to part 742 does not include a paragraph (e).

In § 740.10 (License Exception Servicing and replacement of parts and equipment (RPL)), this final rule makes a clarification to License Exception RPL to replace the tern ''returned'' with the term ''sent'' in paragraph (b)(1) (Scope). This change is made to clarify that the scope of paragraph (b) does not require that the item in question be originally exported from the United States and subsequently returned to the United States for servicing. This change is made because the intent of paragraph (b)(1) is to also allow for items produced outside the United States to be sent to the United States for servicing under paragraph (b). In addition, this final rule makes a conforming change to paragraph (b)(1) by adding in the phrase ''or to a foreign party for servicing,'' so the scope paragraph (b)(1) accurately reflects the scope of the authorization in paragraph (b)(2).

In § 742.6(b) (Licensing policy), this rule revises the first sentence of § 742.6(b)(1) to explicitly state the foreign policy considerations employed in review of license applications for ''600 series'' items include the United States' foreign policy interest of promoting the observance of human rights throughout the world. This is a longstanding foreign policy interest of the United States that is noted in both statute and regulation (*see, e.g.* 22 U.S.C. 2304(a) and 15 CFR 742.7(a)). This revision merely provides explicit notice that the review of license applications for ''600 series'' items to determine whether the transaction is contrary to the foreign policy interests of the Unites States includes consideration of human rights. This is not a substantive change from the policy set forth in § 742.6(b)(1).

In § 746.3 (Iraq), this final rule also removes the outdated reference to the ''Interim Government of Iraq'' and adds in its place the correct reference the ''Government of Iraq.'' The final rule also in that same section removes the outdated reference to the phrase ''or the Multinational Force in Iraq.''

In § 746.3(c) (License Exceptions), in addition to the changes described above for this section to remove the two outdated references, this final rule removes an errant open quotation mark, adds a sentence to the end of paragraph (c) to clarify the relationship between the license requirements in paragraph (a)(4) of this section and the use of license exceptions. This new sentence clarifies that license exceptions may not be applied to paragraph (a)(4) license requirements. This clarification is not a change in policy, but rather clarifies the existing relationship between paragraphs (a)(4) and (c).

In § 748.2(a)(3), this final rule removes the first telephone number listed (408) 998–8805 for BIS's Western Regional Office in paragraph (a)(3) because it will no longer be used as a general outreach number. The second telephone number listed in that paragraph for the Western Regional Office is intended to be used by the public as a general outreach number and will remain in paragraph (a)(3).

In § 748.4(h) (Emergency processing), this final rule revises the cross reference regarding validity periods on emergency licenses from § 750.7(h) to § 750.7(g). Section 750.7(g) is the section of the EAR that addresses validity periods, including for emergency licenses. This revision simply corrects an error and improves the utility of the EAR to exporters.

In Supplement No. 7 to Part 748 (Authorization Validated End-User (VEU): List of Validated End-Users, Respective Items Eligible for Export, Reexport and Transfer, and Eligible Destinations), this rule corrects an oversight by adding an omitted **Federal Register** citation to one of the VEU entries. Specifically, in this rule, BIS amends the VEU List by revising the ''**Federal Register** Citation'' Column for VEU Lam Research Service Co., Ltd. (Lam) in ''China, (Peoples Republic of)'' to include the citation for the most recent amendment to Lam's VEU authorization. That citation is 78 FR 54752, 9/6/13.

In § 750.7(c) (Changes to the license), this final rule adds a non-material change under new paragraph (c)(2) (Notification of name change by advisory opinion request) to specify that in certain cases a name change can be made for a party listed on a BIS license (i.e., name of exporter, reexporter, purchaser, intermediate consignee, ultimate consignee, or end user), provided no changes in ownership, merger or acquisition activity, or other change in legal status has occurred since the time the license was approved for the person listed on the license. In order to rely on this new paragraph, BIS must have approved the name change in response to a request for an advisory opinion submitted by the licensee that BIS treat the name change as an eligible name change under this paragraph. Prior to publication of this final rule, because name changes were not identified in paragraph (c), any name change for a party listed on a BIS license was a material change to the license. However, in certain cases, exporters, reexporters or transferors submitted advisory opinion requests to BIS that requested BIS confirmation that certain name changes did not warrant a new license, because the party listed on the license was the same in all respects, except for the change in the name, which was typically being changed for marketing or branding reasons. BIS has approved such name changes in the past through advisory opinion responses when the person listed on the license was the same, except for the name change. Making BIS's past practice more explicit in the EAR will also make the EAR more consistent with the ITAR since DDTC uses a similar process for reviewing and approving similar types of name changes under 22 CFR 126.3 (Exceptions) and 22 CFR 122.4 (Notification of changes in information furnished by registrants). BIS adds this new paragraph (c)(2) to ensure all interested parties are aware that such an advisory opinion may be submitted to BIS.

This final rule adds a new paragraph (c)(2)(i) to specify the information that must be included in advisory opinion requests for name changes. This final rule adds a new paragraph (c)(2)(ii) to specify how BIS will respond to such an advisory opinion request. This rule adds a new paragraph (c)(2)(iii), to specify the additional actions required by a licensee, when relying on paragraph (c)(2), including a cross reference to see § 758.4(d) (Exports against licenses with approved name changes) for export clearance requirements for such licenses. These requirements under paragraphs (c)(2)(i)–(iii) put into the EAR the established practices and review criteria BIS already uses when reviewing such advisory opinion requests and making such determinations. Lastly, paragraph (c)(2)(iv) reminds the licensee that if the name change request is not approved by BIS or the licensee believes that the name change that is a material change to the license, then the parties to the transaction should apply for a new license. § 758.1 (The Electronic Export Information (EEI) filing to the Automated Export System (AES)), § 758.4 (Use of export license) and § 762.2 (Records to be retained) are updated as necessary to add references to § 750.7(c)(2), describing circumstances where the licensee can change the name of persons listed on a license. Under § 758.1 this final rule revises paragraph (f)(2) that deals with conformity of statements on AES records with the contents of BIS licenses, to add a reference to name changes approved by BIS in writing in accordance with § 750.7(c)(2) of the EAR, as a possible exception for when the information entered into the AES record may not conform to what is listed on the license. This final rule also replaces in paragraph (f)(2) the phrase ''exporter blocks'' with the AES phrase ''USPPI and USPPI identification blocks'' to conform with how those blocks are referred to in AES. Under § 758.4 this final rule adds a new paragraph (d) (Exports against license with approved name changes) to specify that when exporting against a license with an approved name change under § 750.7(c)(2), prior to using that export license you are required to include in the respective name field in AES (e.g., in the USPPI name field in AES), the new name followed by the original name in this format ''[new name] f.k.a. [original name].'' This additional reporting requirement (by putting additional text into an existing box on an already approved form) would be completed by the authorized filer of the electronic export information (EEI) in AES. The use of the acronym f.k.a. will alert those reviewing the AES data that this person was formerly known as the original name. Under § 762.2 (Records to be retained), this final rule adds a new paragraph (b)(53) to specify that notification of name change by advisory opinion requests made under § 750.7(c)(2) are records that must be retained.

In § 772.1 (Definitions of terms as used in the Export Administration Regulations), under the definition of ''technology,'' this final rule adds a sentence to the end of the definition. This final rule also adds a note 2 to the definition of ''technology'' and redesignates the current note as note 1. The new sentence clarifies that ''technology'' also includes specific information necessary for operation, installation, maintenance, repair, overhaul, refurbishing, as well as for other terms specified in ECCNs that control ''technology.'' The new note 2 also does not change the definition of ''technology.'' The note provides additional guidance on the application of the definition based on current BIS

practice and past interpretive guidance BIS has provided, along with the new sentence this final rule adds to the definition. This new note 2 clarifies that ''technology'' not elsewhere specified on the CCL is designated as EAR99, unless the ''technology'' is subject to the exclusive jurisdiction of another U.S. Government agency or is otherwise not subject to the EAR as set forth in § 734.4(b)(2) and (b)(3) and §§ 734.7 through 734.11 of the EAR.

In § 772.1, under the definition of ''use,'' this final rule adds a note to the definition of ''use.'' The note does not change the definition of ''use.'' The note is limited to providing guidance on the application of the definition based on current BIS practice and past interpretive guidance BIS has provided. The new note clarifies that if an ECCN specifies one or more of the six elements of ''use'' in the heading or control text, only those elements specified are captured under that ECCN.

In CCL Category 1 and CCL Category 5—Part 2, this final rule reinserts the Product Group D heading in CCL Category 1 and reinserts the Product Groups A, B and E headings in CCL Category 5—Part 2. A final rule did not intentionally remove these Product Group headings from CCL Categories 1 and 5—Part 2. It appears that either a final rule inadvertently removed those Product Group headings or that in making an incorporation into the Code of Federal Regulations (CFR) for the EAR, those Product Group headings may have inadvertently been removed. This final rule corrects Categories 1 and 5—Part 2 by reinserting those Product Group headings. BIS became aware of this issue when confirming that the incorporations for the Product Group headings were fully implemented for the April 16 rule.

EAR Conforming Changes Required by Amendment to ITAR

This final rule makes two conforming changes to the EAR in § 746.1(b)(2) and Supplement No. 1 to part 740 as a result of a final rule published by the Department of State on April 17, 2014 (79 FR 21616), titled *Amendment to the International Traffic in Arms Regulations: Central African Republic.* The State Department's rule revised ITAR § 126.1 to include the Central African Republic in new paragraph (u), establishing that it is the policy of the United States to deny licenses or other approval for exports or imports of defense articles and defense services destined for or originating in the Central African Republic and specifying under what circumstances a license or other approval may be issued on a case-by-case basis. The April 17 rule noted that ITAR § 126.1(u) was being added to implement the United Nations arms embargo, adopted in United Nations Security Council (UNSC) Resolution 2127 (December 5, 2013) and UNSC Resolution 2134 (January 28, 2014).

This final rule revises § 746.1(b)(2) (Sanctions on selected categories of items to specific destinations), which identifies destinations subject to United Nations Security Council arms embargoes, by adding the Central African Republic. This final rule also revises Country Group D:5 (in Supplement No. 1 to part 740), which identifies countries subject to U.S. arms embargoes to add the country of Central African Republic. As is noted in footnote 1 to Country Group D:5, Country Group D:5 is intended to track with the ITAR's § 126.1 and as additions or removals are made to this section of the ITAR, conforming changes are made to Country Group D:5. Because the Central African Republic is also subject to a United Nations Security Council arms embargo, conforming changes are needed in both Country Group D:5 and § 746.1.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 8, 2013, 78, 2013, 78 FR 49107 (August 12, 2013), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule, which is a consolidation of corrections and clarifications of final rules published in 2013 and 2014, has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission; license exceptions (0694–0137); recordkeeping (0694–0096); export clearance (0694–0122); and the Automated Export System (0607–0152). Total burden hours associated with the PRA and OMB control number 0694–0088 are expected to slightly decrease as a result of this rule when taking into account the full scope of corrections and clarifications included in this final rule. The two changes in this final rule that may result in a slight increase are (1) the clarification to ECCN 1A984, and (2) the changes made to the EAR to add the Central African Republic to § 746.1(b)(2) and in Supplement No. 1 to part 740 under Country Group D:5 to conform to the addition of this country to § 126.1 of the ITAR. Specifically, the clarification that the last phrase of ECCN 1A984 also includes ''parts'' and ''components'' ''specially designed'' therefor and not elsewhere specified may result in a slight increase in the number of applications received by BIS, although BIS believes the public likely was already treating such ''specially designed'' ''parts'' and ''components'' as pyrotechnic articles under ECCN 1A984, so the overall impact of this clarification is expected to be minimal. The addition of the Central African Republic to § 746.1(b)(2) and to Country Group D:5 in Supplement No. 1 to part 740 is not expected to result in much of an increase in the number of license applications received because the license requirements in § 746.1(b) are in almost all cases redundant with the other EAR license requirements that apply to the countries identified in paragraph (b)(2), such as Crime Control. The addition of the Central African Republic to Country Group D:5 for the ''600 series'' will impose significant restrictions, but the overall impact on licenses received is anticipated to be

minimal. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The Department of Commerce finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act otherwise requiring prior notice and the opportunity for public comment because they are unnecessary. The majority of the revisions made by this rule are administrative in nature and do not affect the privileges and obligations of the public. These revisions in this rule are important to get in place as soon as possible to avoid confusion by the public regarding the intent and meaning of recent changes to the EAR without harming anyone's substantive rights. The Department also finds that there is good cause under 5 U.S.C. 553(b)(3)(A) to waive the provisions of the Administrative Procedure Act requiring notice and comment because these changes are limited to providing guidance on existing interpretations of current EAR provisions. These changes, which are described above, include the revisions to §§ 736.2, 740.2(a)(13), 742.6(b)(1), 746.3(c), 750.7, 750.7(c)(1)(ix), 758.1(f)(2), 758.4(d), 772.1 for the definitions of ''specially designed,'' ''technology'' and ''use'' and ECCN 1A984. These revisions in this rule are important to get in place as soon as possible so the public will be aware of these existing interpretations of current EAR provisions. Because these revisions are not substantive changes to the EAR, the 30-day delay in effectiveness otherwise required by 5 U.S.C. 553(d) is not applicable. No other law requires that a notice of proposed rulemaking and opportunity for public comment be given for this rule. The analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for these amendments by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable.

6. With respect to amendments to § 740.11, the Department also finds that the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring prior notice, the opportunity for public comment and a delay in effective date are inapplicable because this amendment involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). BIS, with the concurrence of the U.S. Departments of Defense and State, is amending § 740.11 to allow items subject to the EAR to be exported, reexported or transferred (in-country) to, and in support of, specific cooperating governments or agencies of NATO for their official use. Under the existing regulations, cooperating governments could already receive exports of these items. The changes being made to § 740.11 add NATO and its agencies to the list of recipients and, in furtherance of the objectives of NATO, the United States, and its allies, the rule clarifies that reexports and transfers (in-country) are authorized by this license exception when for their official use wherever the items are needed.

Immediate allowance of a license exception is necessary to effect this amendment's national security and foreign policy goals of allowing NATO and cooperating governments to receive items subject to the EAR for military purposes, to users and for uses that support the national security of the United States and its allies. In the alternative, BIS finds good cause under 5 U.S.C. 553(b)(3)(B) to forgo prior notice and the opportunity for public comment. In addition to the reasons described above, if BIS delayed this rule to allow for prior notice and opportunity for public comment, the resulting delay in applying for and receiving licenses could pose a national security threat, thereby undermining the purpose of the rule.

In addition, BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3). Immediate implementation will allow NATO and cooperating governments to receive and use these items to assist the national security of the United States and its allies. If BIS delayed this rule to allow for a 30-day delay in effectiveness, the resulting delay in implementation would create a delay and possible negative impacts on the United States' support of NATO and its allies similar to delays this rule is seeking to avoid by allowing a license exception for these transactions.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for these changes by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable.

7. The Department finds that there is good cause under 5 U.S.C. 553(b)(3)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment because they are either unnecessary or contrary to the public interest. This rationale applies to the changes in §§ 740.10, 740.20 and in Supplement No. 1 to part 774 under ECCNs 9A610.y and 9A619.y. The rationale also applies to the reinsertion of text removed in ECCNs 2B352, 5A980, 6A002 and 9A120 to correct oversights in the October 4 rule that mistakenly did not take into account edits to the underlying ECCN text or redesignation of paragraphs in those four ECCNs in earlier final rules. These revisions are non-substantive, only clarifying the regulations and thus prior notice and the opportunity for public comment is unnecessary. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for these amendments by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable.

List of Subjects

15 CFR Parts 736, 738 and 772

Exports.

15 CFR Parts 740, 748, 750 and 758

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

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Reporting and recordkeeping requirements.

15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 736, 738, 740, 742, 744, 746, 748, 750, 758, 762, 772 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 736—[AMENDED]

■ 1. The authority citation for 15 CFR part 736 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 2151 note; E.O.

12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013): Notice of May 7, 2014, 79 FR 26589 (May 9, 2014).

■ 2. Section 736.2 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 736.2 General prohibitions and determination of applicability.

* * * * *

(b) * * *

(3) * * *

(i) *Country scope of prohibition.* You may not, without a license or license exception, reexport any item subject to the scope of this General Prohibition Three to a destination in Country Group D:1 or E:1 (See Supplement No.1 to part 740 of the EAR). Additionally, you may not, without a license or license exception, reexport or export from abroad an ECCN 0A919 commodities subject to the scope of this General Prohibition Three to a destination in Country Group D:1, D:3, D:4, D:5 or E:1.

* * * * *

■ 3. Supplement No. 1 to part 736, under paragraph (e) (General Order No. 5), is amended by redesignating paragraph (a) as paragraph (e)(1); paragraph (b) as paragraph (e)(2); paragraph (b)(1) as paragraph (e)(2)(i); paragraph (b)(2) as paragraph (e)(2)(ii); paragraph (c) as paragraph (e)(3); and paragraph (d) as paragraph (e)(4), respectively.

■ 4. Supplement No. 2 to Part 736 is amended by removing the phrase ''Administration Order'' in Administrative Order Two under paragraph (a)(3) introductory text and adding in its place the phrase ''Administrative Order''.

PART 738—[AMENDED]

■ 5. The authority citation for 15 CFR part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 6. Section 738.4 is amended by revising paragraph (b)(2) to read as follows:

§ 738.4 Determining whether a license is required.

* * * * *

(b) * * *

(2) Sample CCL entry.

2A000: Entry heading.

License Requirements

REASON FOR CONTROL: NS, NP, AT

Control(s)	Country chart (see supp. No. 1 to part 738).
NS applies to entire entry	NS Column 2.
NP applies to 2A000.b	NP Column 1.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: $5,000.

GBS: Yes.

CIV: N/A.

List of Items Controlled

Related Controls: N/A.

Related Definitions: N/A.

Items: a. Having x.

b. Having z.

* * * * *

PART 740—[AMENDED]

■ 7. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 8. Section 740.2 is amended:

■ a. In paragraph (a)(5)(i) by removing phrase ''§ 740.9(a)(2)(ii)'' and adding in its place ''§ 740.9(a)(4)'';

■ b. In paragraph (a)(5)(ii) by removing phrase ''§ 740.9(a)(2)(ii)'' and adding in its place ''§ 740.9(a)(4)''; and

■ c. By revising the last sentence in the introductory text of paragraph (a)(13) and paragraph (a)(13)(vi) to read as follows:

§ 740.2 Restrictions on all license exceptions.

(a) * * *

* * * * *

(13) * * * Only the following license exceptions may be used to export ''600 series'' items to destinations other than those identified in Country Group D:5 (see Supplement No.1 to part 740 of the EAR):

* * * * *

(vi) License Exception STA under § 740.20(c)(1) of the EAR, provided all of the applicable terms and conditions, including those specific to the ''600 series'' are met.

* * * * *

§ 740.9 [Amended]

■ 9. Section 740.9 is amended:

■ a. By revising the heading of paragraph (a)(6) to read ''Inspection, test, calibration, and repair.''; and

■ b. In paragraph (c)(8) by removing the phrase ''paragraphs (a) through (e)'' and adding in its place ''paragraphs (a) through (d)''.

■ 10. Section 740.10 is amended:

■ a. By revising the first sentence of paragraph (a)(2)(ii);

■ b. By revising the second sentence of paragraph (a)(4)(i);

■ c. By revising paragraph (b)(1);

■ d. By revising paragraph (b)(3) introductory text; and

■ e. By revising the introductory text of paragraph (b)(3)(ii) to read as follows:

§ 740.10 License Exception Servicing and replacement of parts and equipment (RPL).

* * * * *

(a) * * *

(2) * * *

(ii) Parts, components, accessories, and attachments may be exported only to replace, on a one-for-one basis, parts, components, accessories, or attachments, respectively, contained in commodities that were: Lawfully exported from the United States; lawfully reexported; or made in a foreign country incorporating authorized parts, components, accessories, or attachments ''subject to the EAR'' (see § 734.2(a) of the EAR).

* * *

(iii) * * *

* * * * *

(4) * * *

(i) * * * A party reexporting one-for-one replacement parts, components, accessories, or attachments ''subject to the EAR'' shall ensure that the commodities being repaired were shipped to their present location in accordance with U.S. law and continue to be lawfully used, and that either before or promptly after reexport of the replacement parts, components, accessories, or attachments, the replaced commodities and software are either destroyed or returned to the United States, or to the foreign firm in Country Group B (see Supplement No. 1 to this part) that shipped the replacement parts.

* * * * *

(b) * * * (1) *Scope.* The provisions of this paragraph (b) authorize the export and reexport to any destination, except for ''600 series'' items to destinations identified in Country Group D:5 (see

Supplement No. 1 to this part) or otherwise prohibited under the EAR, of commodities and software that were sent to the United States or to a foreign party for servicing and replacement of defective or unacceptable commodities and software ''subject to the EAR'' (see § 734.2(a) of the EAR).

* * * * *

(3) Replacements for defective or unacceptable equipment ''subject to the EAR.''

* * * * *

(ii) In addition to the general conditions in paragraph (b)(3)(i) of this section, the following conditions apply to exports or reexports of replacements for defective or unacceptable commodities or software ''subject to the EAR'' (see § 734.2(a) of the EAR) to a destination in Country Group B or Country Group D:1 (see Supplement No. 1 to this part):

* * * * *

■ 11. Section 740.11 is amended:

■ a. By revising the section heading;

■ b. By revising paragraph (c) heading;

■ c. By revising paragraph (c)(1);

■ d. By redesignating paragraph (c)(2)(ii) as paragraph (c)(2)(iii);

■ e. By adding new paragraph (c)(2)(ii); and

■ f. By revising paragraphs (c)(3)(i), (c)(3)(v), and (c)(3)(vi), to read as follows:

§ 740.11 Governments, international organizations, international inspections under the Chemical Weapons Convention, and the International Space Station (GOV).

* * * * *

(c) *Cooperating Governments and the North Atlantic Treaty Organization.* (1) *Scope.* The provisions of this paragraph (c) authorize exports, reexports, and transfers (in-country) of the items listed in paragraph (c)(2) of this section to agencies of cooperating governments or agencies of the North Atlantic Treaty Organization (NATO). 'Agency of a cooperating government' includes all civilian and military departments, branches, missions, and other governmental agencies of a cooperating national government. Cooperating governments are the national governments of countries listed in Country Group A:1 (see Supplement No. 1 to this part) and the national governments of Argentina, Austria, Finland, Hong Kong, Ireland, Korea (Republic of), New Zealand, Singapore, Sweden, Switzerland and Taiwan.

(2) * * *

(ii) *Items for official use by agencies of cooperating governments for military purposes or NATO.* With the exception of items excluded by paragraph (c)(3) of this section, this license exception is available for all items consigned to and for the official use of:

(A) A military end user of or for the military end use of cooperating governments, or

(B) An agency of NATO.

* * * * *

(3) * * *

(i) Items on the Sensitive List (see Supplement No. 6 to part 774 of the EAR), *except* to or for the use by governments of countries listed in Country Group A:5 (see Supplement No. 1 to this part) or an agency of NATO;

* * * * *

(v) ''600 series'' items, *except* to or for the use by governments of countries listed in Country Group A:5 (see Supplement No. 1 to this part) or an agency of NATO;

(vi) Items controlled for nuclear nonproliferation (NP) reasons; or

* * * * *

§ 740.12 [Amended]

■ 12. Section 740.12 is amended by redesignating footnote 2 to paragraph (a) as footnote 1 to paragraph (a).

§ 740.13 [Amended]

■ 13. Section 740.13 is amended by redesignating footnote 3 to paragraph (d)(1) as footnote 2.

§ 740.15 [Amended]

■ 14. Section 740.15 is amended:

■ a. By redesignating footnote 4 and 5 to paragraphs (c)(1) and (c)(2) as footnotes 3 and 4, respectively; and

■ b. In paragraph (c)(2)(iv) by removing the phrase ''record is filed''.

■ 15. Section 740.20 is amended:

■ a. By revising paragraph (b)(3)(ii)(B);

■ b. By revising paragraph (b)(3)(ii)(C);

■ c. By revising the Note to paragraph (c)(1);

■ d. In the introductory text of paragraph (d)(2) by adding a sentence to beginning of this paragraph after the paragraph heading and by revising the last two sentences in the introductory text of paragraph (d)(2);

■ e. By redesignating paragraphs (d)(2)(iv), (v), (vi) and (vii), as paragraphs (d)(2)(v), (vi), (vii) and (viii), respectively;

■ f. By adding a new paragraph (d)(2)(iv);

■ g. By revising newly redesignated paragraph (d)(2)(vii)(B);

■ h. By revising newly redesignated paragraph (d)(2)(vii)(C); and

■ i. By adding undesignated bracketed text at the end of paragraph (d)(2) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(B) For the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of an item in one of the countries listed in Country Group A:5 or the United States that will be for one, or more, of the following purposes:

(1) Ultimately to be used by any such government agencies in one of the countries listed in Country Group A:5 or the United States Government; or

(2) Sent to a person in the United States and not for subsequent export under § 740.9(b)(1) (License Exception TMP for items moving in transit through the United States); or

(C) The United States Government has otherwise authorized the ultimate end use, the license or other authorization is in effect, and the consignee verifies in writing that such authorization exists and has provided the license or other approval identifier to the exporter, reexporter or transferor (as applicable).

* * * * *

(c) * * *

* * * * *

Note to paragraph (c)(1). *License Exception STA under § 740.20(c)(1) may be used to authorize the export, reexport, or transfer (in-country) of ''600 series'' items only if the purchaser, intermediate consignee, ultimate consignee, and end user have previously been approved on a license or other approval, i.e., Directorate of Defense Trade Controls (DDTC) Manufacturing License Agreement (MLA), Technical Assistance Agreement (TAA), Warehouse Distribution Agreement (WDA), or General Correspondence approval (GC) issued by BIS or DDTC at the U.S. Department of State.*

* * * * *

(d) * * *

(2) *Prior Consignee Statement.* The requirements in this paragraph (d)(2) apply to each party using License Exception STA to export, reexport or transfer (in-country), including reexporters and transferors of items previously received under License Exception STA. * * * Paragraphs (d)(2)(i) through (vi) of this section are required for all transactions. In addition, paragraph (d)(2)(vii) is required for all transactions in ''600 series'' items and paragraph (viii) of this section is required for transactions in ''600 series'' items if the consignee is not the government of a country listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR).

* * * * *

(iv) Agrees to obtain a prior consignee statement when using License Exception STA for any reexport or transfer (in-country) of items previously received under License Exception STA;

* * * * *

(vii) * * *

(B) For the ''development,'' ''production,'' operation, installation, maintenance, repair, overhaul, or refurbishing of an item in one of the countries listed in Country Group A:5 or the United States that will be for one, or more, of the following purposes:

(1) Ultimately to be used by any such government agencies in one of the countries listed in Country Group A:5 or the United States Government; or

(2) Sent to a person in the United States and not for subsequent export under § 740.9(b)(1) (License Exception TMP for items moving in transit through the United States); or

(C) The United States Government has otherwise authorized the ultimate end use, the license or other authorization is in effect, and the consignee verifies in writing that such authorization exists and has provided the license or other approval identifier to the exporter, reexporter or transferor (as applicable).

* * * * *

[INSERT NAME AND TITLE OF PERSON SIGNING THIS DOCUMENT, AND DATE DOCUMENT IS SIGNED].

* * * * *

■ 16. Supplement No. 1 to part 740, Country Group D is amended by adding a row in alphabetical order for: Central African Republic, and by adding an ''X'' under the D:5 column for the Central African Republic row.

PART 742—[AMENDED]

■ 17. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013).

■ 18. Section 742.6 is amended by revising the first sentence of paragraph (b)(1) to read as follows:

§ 742.6 Regional stability.

* * * * *

(b) * * * (1) Applications for exports and reexports of ''600 series'' items will be reviewed on a case-by-case basis to determine whether the transaction is contrary to the national security or foreign policy interests of the United States, including the foreign policy interest of promoting the observance of human rights throughout the world.* * *

* * * * *

PART 744—[AMENDED]

■ 19. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of September 18, 2013, 78 FR 58151 (September 20, 2013); Notice of November 7, 2013, 78 FR 67289 (November 12, 2013); Notice of January 21, 2014, 79 FR 3721 (January 22, 2014).

§ 744.17 [Amended]

■ 20. Section 744.17 is amended in paragraph (e) by removing the phrase 'military end-uses' and adding in its place 'military end uses' with single quotes.

■ 21. Section 744.21 is amended by revising the section heading to read as follows:

§ 744.21 Restrictions on certain 'military end uses' in the People's Republic of China (PRC).

* * * * *

PART 746—[AMENDED]

■ 22. The authority citation for 15 CFR part 746 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Presidential Determination 2007–7 of December 7, 2006, 72 FR 1899 (January 16, 2007); Notice of August 8, 2013, 78 FR 49107 (August 12, 2013); Notice of May 7, 2014, 79 FR 26589 (May 9, 2014).

■ 23. Section 746.1 is amended by revising paragraph (b)(2) to read as follows:

§ 746.1 Introduction.

* * * * *

(b) * * *

(2) The countries subject to United Nations Security Council arms embargoes are: Central African Republic, Cote d'Ivoire (Ivory Coast), Democratic Republic of the Congo, Eritrea, Iran, Iraq, Lebanon, Liberia, Libya, North Korea, Somalia, and Sudan.

* * * * *

■ 24. Section 746.2 is amended by revising paragraph (a)(1)(i) to read as follows:

§ 746.2 Cuba.

(a) * * *

(1) * * *

(i) Temporary exports and reexports (TMP) by the news media (see § 740.9(a)(9) of the EAR).

* * * * *

■ 25. Section 746.3 is amended:

■ a. By removing the phrase ''Interim Government of Iraq or the Multinational Force in Iraq'' and adding in its place the phrase ''Government of Iraq'' in the first sentence of the introductory text of the section;

■ b. By removing the phrase ''Interim Government of Iraq or the Multinational Force in Iraq'' and adding in its place the phrase ''Government of Iraq'' in the second sentence of paragraph (a)(4); and

■ c. By revising paragraph (c) to read as follows:

§ 746.3 Iraq.

* * * * *

(c) License exceptions. You may export or reexport without a license if your transaction meets all the requirements of any of the following License Exceptions: CIV, APP, TMP, RPL, GOV, GFT, TSU, BAG, AVS, or ENC. For specific requirements of each of these License Exceptions, refer to part 740 of the EAR. Notwithstanding the above, this paragraph may not be applied to exports or reexports that require a license under paragraph (a)(4) of this section.

* * * * *

■ 26. Section 746.4(c)(1) is amended:

■ a. In paragraph (c)(1) by removing the phrase ''§ 740.9(a)(2)(viii)'' and adding in its place ''§ 740.9(a)(9)''.

■ b. In paragraph (c)(2) by removing the phrase ''(b)(2)(i) and (b)(2)(ii)'' and adding in its place ''(b)(2)''.

§ 746.9 [Amended]

■ 27. Section 746.9 is amended:

■ a. In paragraph (b)(1) by removing the phrase ''§ 740.9(a)(2)(viii)'' and adding in its place ''§ 740.9(a)(9)''.

■ b. In paragraph (b)(2) by removing the phrase ''§ 740.11(b)(2)(i) and (ii)'' and adding in its place ''§ 740.11(b)(2)''.

PART 748—[AMENDED]

■ 28. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

§ 748.2 [Amended]

■ 29. Section 748.2(a)(3) is amended by removing the phrase ''(408) 998–8805 or''.

§ 748.4 [Amended]

■ 30. Section 748.4(h) is amended by removing the phrase ''§ 750.7(h)'' and adding in its place ''§ 750.7(g)'' in the final sentence.

Supplement No. 1 to Part 748 [Amended]

■ 31. Supplement No. 1 to part 748 is amended by adding a single space between ''(x)'' and the word ''of'' in the fifth sentence at the end of Block 24.

Supplement No. 7 to Part 748 [Amended]

■ 32. Supplement No. 7 to part 748 (Authorization Validated End-User (VEU): List of Validated End-Users, Respective Items Eligible for Export, Reexport and Transfer, and Eligible Destinations) is amended by adding the citation ''78 FR 54752, 9/6/13.'' at the end of the entry in the ''Federal Register Citation'' Column for VEU ''Lam Research Service Co., Ltd.'' in ''China, (Peoples Republic of)''.

PART 750—[AMENDED]

■ 33. The authority citation for part 750 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* Sec 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013); Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 34. Section 750.7 is amended:
■ a. By revising paragraph (c)(1)(ix); and
■ b. By adding paragraph (c)(2) to read as follows:

§ 750.7 Issuance of licenses.

* * * * *

(c) * * *

(1) * * *

(ix) Direct exports, reexports, or transfers (in-country) to and among approved end users and the ultimate consignee on a license, provided those end users and ultimate consignee are listed by name and location on such license *and* the license does not contain any conditions specific to the ultimate consignee that cannot be complied with by the end user, such as a reporting requirement that must be made by the ultimate consignee. Reexports and transfers (in-country) among approved end users may be further limited by license conditions.

(2) In some circumstances, BIS may authorize changing the name of a person listed on a license (i.e., name of exporter, reexporter, purchaser, intermediate consignee, ultimate consignee or end user), provided the pertinent person has not undergone a change in ownership, including merger or acquisition, or any other change in legal status since the time the license was issued. In order to rely on this paragraph (c)(2), BIS must have approved the name change in response to an advisory opinion request submitted by the licensee pursuant to § 748.3(c) of the EAR and the instructions below.

(i) The advisory opinion request must be submitted on the licensee's company letterhead and include the following information:

(A) The title of the advisory opinion, in this format: ''License name change notification and review request;''

(B) All license numbers subject to the notification and review request (either in the letter or as a separate attachment);

(C) The name(s) changing on the license(s) (include the original and new names), and when the name(s) are changing (either in the letter or as a separate attachment);

(D) Any background information available on the reasons for the name change(s) (e.g., press releases from the person changing its name(s)); and

(E) A statement regarding whether there has been a change in ownership, including a merger or acquisition, or any other change in legal status regarding the person(s) changing its name(s).

(F) Confirmation that, if the request is approved, the licensee will share the advisory opinion response from BIS with all other persons listed on the license, and inform those persons that the advisory opinion response must be retained pursuant to the recordkeeping requirements in part 762 of the EAR.

(ii) If BIS determines the name change is not a material change to the license and approves the request to change the name(s) on the license, BIS will send a written response to the licensee who submitted the notification. If BIS does not approve the request to change the name(s) on the license, BIS will send a written response to the licensee who submitted the notification.

(iii) For guidance on using an export license with approved name changes, see § 758.4(d) (Exports against license with approved name change).

(iv) If a license name change notification and review request is denied by BIS or the licensee determines that there has been a material change to the license, such as a change in ownership of a person on the license, including merger or acquisition, or any other change in legal status since the time the license was issued, a new license application should be submitted.

* * * * *

PART 758—[AMENDED]

■ 35. The authority citation for part 758 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 36. Section 758.1 is amended:
■ a. In paragraph (b)(3) by adding the phrase ''or otherwise described'' after the term ''enumerated'';
■ b. In paragraph (c)(6) by removing the phrase ''§ 740.9(a)(2)(i)'' and adding in its place ''§ 740.9(a)(1)''; and
■ c. By revising paragraph (f)(2) to read as follows:

§ 758.1 The Electronic Export Information (EEI) filing to the Automated Export System (AES).

* * * * *

(f) * * *

(2) Statements on the EEI filing are in conformity with the contents of any license issued by BIS, with the possible exception of the USPPI and USPPI identification blocks in routed transactions or any name change approved by BIS in writing in accordance with § 750.7(c)(2) of the EAR; and

* * * * *

■ 37. Section 758.4 is amended by adding paragraph (d) to read as follows:

§ 758.4 Use of export license.

* * * * *

(d) *Exports against license with approved name changes.* If you are exporting against a license with approved name changes under § 750.7(c)(2) of the EAR, prior to using that export license you are required to include in the respective name field in

AES (e.g., in the USPPI name field in AES), the new name followed by the original name in this format ''[new name] f.k.a. [original name].'' This reporting requirement would be completed by the authorized filer of the electronic export information (EEI) in AES. Although not required, the exporter may include a copy of the BIS written response approving the non-material name changes in accordance with § 750.7(c)(2) of the EAR. If the items have already been exported against the license by the time the name changes are approved, you are not required to report this additional information in AES, but you still must follow the recordkeeping requirements in part 762 of the EAR.

PART 762—[AMENDED]

■ 38. The authority citation for 15 CFR part 762 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 39. Section 762.2 is amended:
■ a. In paragraph (b)(9) by removing ''§ 740.13(f)'' and adding in its place ''§ 740.13(h)'';
■ b. By revising paragraph (b)(13);
■ c. By removing the word ''and'' at the end of paragraph (b)(50);
■ d. By removing the period ''.'' at the end of paragraph (b)(51) and adding in its place a semi-colon '';''; and
■ e. By adding paragraphs (b)(52) and (b)(53) to read as follows:

§ 762.2 Records to be retained.

* * * * *

(b) * * *

(13) § 743.4(c)(1) and (c)(2), Conventional arms reporting;

* * * * *

(52) § 744.15(b), UVL statement as well as any logs or records created for multiple exports, reexports, and transfers (in-country); and

(53) § 750.7(c)(2), Notification of name change by advisory opinion request.

* * * * *

PART 772—[AMENDED]

■ 40. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 41. Section 772.1 is amended:
■ a. In the definition of ''specially designed'' by removing the word ''a'' immediately before the phrase ''achieving or exceeding'' in the fourth sentence of Note to paragraph (a)(1);
■ b. In the definition of ''technology'' by adding a sentence to the end of the definition, and by redesignating the Note as Note 1 and by adding a new Note 2; and
■ c. In the definition of ''use'' by adding a new Note to read as follows:

§ 772.1 Definitions of terms as used in the Export Administration Regulations (EAR).

* * * * *

Technology. * * * ''Technology'' also is specific information necessary for any of the following: Operation, installation (including on-site installation), maintenance (checking), repair, overhaul, refurbishing, or other terms specified in ECCNs on the CCL that control ''technology.''

* * * * *

Note 2: *''Technology'' not elsewhere specified on the CCL is designated as EAR99, unless the ''technology'' is subject to the exclusive jurisdiction of another U.S. Government agency (see § 734.3(b)(1)) or is otherwise not subject to the EAR (see § 734.4(b)(2) and (b)(3) and §§ 734.7 through 734.11 of the EAR).*

* * * * *

Use. * * *

Note: *If an ECCN specifies one or more of the six elements of ''use'' in the heading or control text, only those elements specified are classified under that ECCN.*

* * * * *

PART 774—[AMENDED]

■ 42. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 43. Section 774.1 is amended by revising paragraph (b)(3) and the Note to paragraph (b) to read as follows:

§ 774.1 Introduction.

* * * * *

(b) * * *

(3) The following multilateral export control regime reference is provided, as an additional point of historical reference: 0C201—INFCIRC 254 Part 1, 5.3.1(b).

Note to paragraph (b): *ECCNs 0D001 and 0E001 are ''subject to the ITAR'' (see 22 CFR parts 120 through 130). These ECCNs are retained on the CCL as cross references to the ITAR, although the former cross references to export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110) for ECCN 0D001, and to the Department of Energy (see 10 CFR part 810) for 0E001 were removed from the Control(s) paragraph in the License Requirements section of these two ECCNs and added as a more general jurisdictional cross reference in a heading note added to these two ECCNs as of* June 5, 2014.

* * * * *

■ 44. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A604 is amended by revising the heading, as added January 2, 2014, at 79 FR 282, effective July 1, 2014, to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

0A604 Commodities related to military explosive devices and charges (see List of Items Controlled).

* * * * *

■ 45. Supplement No. 1 to part 774 (the Commerce Control List), is amended by adding quotes around the phrase ''subject to the ITAR'' wherever it appears in Export Control Classification Numbers (ECCNs): 0A604, 0A614, 1A005, 1A613, 1B608, 1C239, 9D001, 9D002, 9D003, 9D104, 9E001, 9E002, 9E101, and 9E102, as added January 2, 2014, at 79 FR 282–294, effective July 1, 2014.

■ 46. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A606 is amended:
■ a. By adding quotes around the term ''specially designed'' in Note 2.a to paragraph a. in the ''Items'' paragraph in the List of Items Controlled section;
■ b. By adding quotes around the term ''components'' wherever it appears in the introductory text of Note 2 to paragraph a, and in Notes 2.b.1.a, 2.f, and y.12. in the ''Items'' paragraph in the List of Items Controlled section.
■ c. By adding quotes around the term ''parts'' '' in Note 2.b to paragraph a in the ''Items'' paragraph in the List of Items Controlled section; and
■ b. By revising the heading to read as follows:

0A606 Ground vehicles and related commodities, as follows (see List of Items Controlled).

* * * * *

■ 47. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items),

Export Control Classification Number (ECCN) 0A614 is amended by revising the heading, as added January 2, 2014, at 79 FR 282, effective July 1, 2014, to read as follows:

0A614 Military training ''equipment,'' as follows (see List of Items Controlled).

* * * * *

■ 48. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A617 is amended:

■ a. By adding quotes around the terms ''components'' and ''parts'' in the ''Related Controls'' paragraph (6) in the List of Items Controlled section;

■ b. By adding quotes around the term ''specially designed'' in the ''Related Controls'' paragraph (10) in the List of Items Controlled section; and

■ c. By adding a ''Related Definitions'' paragraph after the ''Related Controls'' paragraph in the List of Items Controlled Section to read as follows:

0A617 Miscellaneous ''equipment,'' materials, and related commodities (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Related Definitions: N/A

* * * * *

■ 49. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A918 is amended by revising the heading to read as follows:

0A918 Miscellaneous military equipment not on the Wassenaar Munitions List (see List of Items Controlled).

* * * * *

■ 50. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0A988 is amended by further revising the heading, as revised January 2, 2014, at 79 FR 283, effective July 1, 2014, to read as follows:

0A988 Conventional military steel helmets as described by 0A018.d.1.

* * * * *

■ 51. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0B604 is amended by revising the heading, as added January 2, 2014, at 79 FR 283, effective July 1, 2014, to read as follows:

0B604 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development,'' ''production,'' repair, overhaul, or refurbishing of commodities in ECCN 0A604 or related defense articles in USML Category IV (see List of Items Controlled).

* * * * *

■ 52. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0B614 is amended by revising the heading, as added January 2, 2014, at 79 FR 283, effective July 1, 2014, to read as follows:

0B614 Test, inspection, and production ''equipment'' for military training ''equipment'' and ''specially designed'' ''parts,'' ''components,'' ''accessories'' and ''attachments'' therefor, as follows (see List of Items Controlled).

* * * * *

■ 53. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0D001 is amended:

■ a. By further revising the heading, as revised January 2, 2014, at 79 FR 283, effective July 1, 2014;

■ b. By adding a heading note; and

■ c. By removing the first Control(s) paragraph in License Requirements section, to read as follows:

0D001 ''Software'' ''specially designed'' or modified for the ''development,'' ''production,'' or ''use'' of commodities described in 0A002. (These items are ''subject to the ITAR.'' See 22 CFR parts 120 through 130.)

Heading Note: *Certain ''software'' for the ''development,'' ''production,'' or ''use'' of nuclear related commodities is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).*

* * * * *

■ 54. Supplement No. 1 to part 774 (the Commerce Control List), is amended by adding the phrase ''(see List of Items Controlled).'' at the end of the headings in Export Control Classification Numbers (ECCN): 0D604, 0E604, 1D608, 1E608, 9D604, and 9E604, as added January 2, 2014, at 79 FR 284–294, effective July 1, 2014.

■ 55. Supplement No. 1 to part 774 (the Commerce Control List), is amended by adding a period at the end of the headings in Export Control Classification Numbers (ECCN): 0D614, 0E614, 1B608, 1B613, 1C018, 1D018, 1D613, 1E001, 1E101, 1E201, 9A604, 9B115, 9B116, 9B604, 9D001, 9D002, 9D003, 9D104, 9E001, 9E101, and 9E102, as added January 2, 2014, at 79 FR 284–294, effective July 1, 2014.

■ 56. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0E001 is amended:

■ a. By further revising the heading, as revised January 2, 2014, at 79 FR 284, effective July 1, 2014;

■ b. By adding a heading note; and

■ c. By removing the first Control(s) paragraph in the License Requirements section to read as follows:

0E001 ''Technology,'' according to the Nuclear Technology Note, for the ''development,'' ''production,'' or ''use'' of items described in 0A002, or 0D001.

Heading Note: *''Technology'' for certain items subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110) is subject to the export licensing authority of the Department of Energy (see 10 CFR part 810).*

* * * * *

■ 57. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0E018 is amended by adding a period after the phrase ''for items formerly controlled by 0A018.a'' in the Note to the ''items'' paragraph in the List of Items Controlled section.

■ 58. In Supplement No. 1 to part 774 (the Commerce Control List), Category 0—Nuclear Materials, Facilities & Equipment (and Miscellaneous Items), Export Control Classification Number (ECCN) 0E614 is amended by adding a comma between the terms ''repair'' and ''overhaul'' in the ''items'' paragraph a in the List of Items Controlled section, as added January 2, 2014, at 79 FR 285, effective July 1, 2014.

■ 59. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, add the Product Group D heading ''SOFTWARE'' immediately before Export Control Classification Number (ECCN) 1D001.

■ 60. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' the Technical Note introductory text after the Product Group C: ''Materials'' heading is amended by removing

''1C012'' and adding in its place ''1C011''.

■ 61. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A001 is amended by adding quotes around ''specially designed'' in the ''Related Controls'' paragraph (1) in the List of Items Controlled section.

■ 62. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A004 is amended by removing the term ''agent'' and adding in its place the term ''agents'' in Technical Note 1 to the ''items'' paragraph in the List of Items Controlled section.

■ 63. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A007 is amended by adding quotes around the term ''specially designed'' in the heading and in the ''Related Controls'' paragraph in the List of Items Controlled section, as revised January 2, 2014, at 79 FR 285, effective July 1, 2014.

■ 64. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A101 is amended by removing the term ''which'' in the ''Related Controls'' paragraph (2) in the List of Items Controlled section.

■ 65. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A613, as added January 2, 2014, at 79 FR 286, effective July 1, 2014, is amended:

■ a. By revising the heading;

■ b. By adding ''Related Controls'' paragraph (3) to the ''Related Controls'' paragraph in the List of Items Controlled section; and

■ c. By revising ''items'' paragraph e and adding ''items'' paragraph f in the List of Items Controlled section.

1A613 Armored and protective ''equipment'' and related commodities, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: * * * (3) See ECCN 9A610.g for anti-gravity suits (''G-suits'') and pressure suits capable of operating at altitudes higher than 55,000 feet above sea level.

* * * * *

Items:

* * * * *

e. Atmospheric diving suits ''specially designed'' for rescue operations for submarines controlled by the USML or the CCL.

f. Other personal protective ''equipment'' ''specially designed'' for military applications not controlled by the USML, not elsewhere controlled on the CCL.

* * * * *

■ 66. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1A984 is amended by revising the heading to read as follows:

1A984 Chemical agents, including tear gas formulation containing 1 percent or less of orthochlorobenzalmalononitrile (CS), or 1 percent or less of chloroacetophenone (CN), except in individual containers with a net weight of 20 grams or less; liquid pepper except when packaged in individual containers with a net weight of 3 ounces (85.05 grams) or less; smoke bombs; non-irritant smoke flares, canisters, grenades and charges; and other pyrotechnic articles (excluding shotgun shells) having dual military and commercial use, and ''parts'' and ''components'' ''specially designed'' therefor, n.e.s.

* * * * *

■ 67. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C111 is amended by removing ''C111.c.1'' and adding ''1C111.c.1'' in its place in the ''Related Controls'' paragraph (1) in the List of Items Controlled section.

■ 68. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms,'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C239 is amended by revising the heading to read as follows:

1C239 High explosives, other than those controlled by the U.S. Munitions List, or substances or mixtures containing more than 2% by weight thereof, with a crystal density greater than 1.8 g/cm³ and having a detonation velocity greater than 8,000 m/s.

* * * * *

■ 69. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C350, Item.c.12 is amended by removing ''Ethyldiethan-olamine'' and adding ''Ethyldiethanolamine'' in its place.

■ 70. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C608 is amended by revising the heading, as added January 2, 2014, at 79 FR 288, effective July 1, 2014, to read as follows:

1C608 Energetic materials and related commodities (see List of Items Controlled).

* * * * *

■ 71. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1D018 is amended by adding quotes around the term ''specially designed'' in the heading, as added January 2, 2014, at 79 FR 289, effective July 1, 2014.

■ 72. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1E001 is amended:

■ a. By adding quotes around the term ''specially designed'' in the ''Related Controls'' paragraph (3) in the List of Items Controlled section, as revised January 2, 2014, at 79 FR 290, effective July 1, 2014; and

■ b. By removing the phrase ''eight destinations listed in § 740.20(c)(2) of the EAR'' and adding in its place ''destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR)'' in the STA paragraph of the ''Special Conditions for STA'' section.

■ 73. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2A291 is amended by adding quotes around the term ''accessories'' in the ''items'' paragraph d in the List of Items Controlled section.

■ 74. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B350 is amended by removing the term ''include'' and adding in its place ''includes'' in the ''Related Definitions'' paragraph in the List of Items Controlled section.

■ 75. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B352 is amended:

■ a. By revising ''items'' paragraph h and the introductory text of paragraph i in the List of Items Controlled section; and

■ b. By revising ''Technical Notes'' paragraph 2 at the end of the ''items'' paragraph in the List of Items Controlled section to read as follows:

2B352 Equipment capable of use in handling biological materials, as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

h. Chambers designed for aerosol challenge testing with microorganisms, viruses, or toxins and having a capacity of 1 m^3 or greater.

i. Spraying or fogging systems and ''parts'' and ''components'' therefor, as follows:

* * * * *

Technical Notes:

* * * * *

2. This ECCN does not control spraying or fogging systems, ''parts'' and ''components,'' as specified in 2B352.i, that are demonstrated not to be capable of delivering biological agents in the form of infectious aerosols.

* * * * *

■ 76. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, Export Control Classification Number (ECCN) 2B999 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

2B999 Specific processing equipment, n.e.s., as follows (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: (1) See also 1B233, 2A293, 2B001.f, 2B004, 2B009, 2B104, 2B109, 2B204, 2B209, 2B228, 2B229, 2B231, and 2B350. (2) Certain nuclear related processing equipment is subject to the export licensing authority of the Nuclear Regulatory Commission (see 10 CFR part 110).

* * * * *

■ 77. In Supplement No. 1 to part 774 (the Commerce Control List), Category 2—Materials Processing, the Category 2E—Materials Processing Table; Deposition Techniques is amended by removing the phrase ''Dielectric Players'' and adding in its place ''Dielectric layers'' in the third column of the fifth row of the table.

■ 78. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is amended by adding quotes around the terms ''accessories'' and ''attachments'' in ''Related Controls'' paragraph (2)(c) in the List of Items Controlled section.

■ 79. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3E982 is amended by removing the term ''require'' and adding in its place ''required'' in quotes in the heading.

■ 80. In Supplement No. 1 to part 774 (the Commerce Control List), Category 4—Computers, Export Control Classification Number (ECCN) 4A003 is amended by redesignating ''Note 1'' as ''Note'' at the end of the License Requirements section;

■ 81. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1 Telecommunications, Export Control Classification Number (ECCN) 5A001 is amended by adding quotes around the term ''accessories'' in ''items'' paragraph b in the List of Items Controlled section.

■ 82. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1 Telecommunications, Export Control Classification Number (ECCN) 5A980 is amended by revising the heading to read as follows:

5A980 Devices primarily useful for the surreptitious interception of wire, oral, or electronic communications, other than those controlled under 5A001.f.1; and ''parts,'' ''components'' and ''accessories'' therefor.

* * * * *

■ 83. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 1—Telecommunications, Export Control Classification Number (ECCN) 5B001 is amended:

■ a. By removing the phrase ''eight destinations listed in § 740.20(c)(2) of the EAR'' and adding in its place ''destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR)'' in the STA paragraph of the ''Special Conditions for STA'' section; and

■ b. By adding quotes around the term ''components'' in ''items'' paragraph b in the List of Items Controlled section.

■ 84. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security:

■ a. Add the Product Group A heading ''END ITEMS,'' ''EQUIPMENT,'' ''ACCESSORIES,'' ''ATTACHMENTS,'' ''PARTS,'' ''COMPONENTS,'' AND ''SYSTEMS'' immediately before Export Control Classification Number (ECCN) 5A002;

■ b. Add the Product Group B heading TEST, INSPECTION AND ''PRODUCTION EQUIPMENT'' immediately before Export Control Classification Number (ECCN) 5B002; and

■ c. Add the Product Group E heading ''TECHNOLOGY'' immediately before Export Control Classification Number (ECCN) 5E002.

■ 85. In Supplement No. 1 to part 774 (the Commerce Control List), Category 5—Telecommunications and ''Information Security,'' Part 2—Information Security, Export Control Classification Number (ECCN) 5A002 is amended by adding the word ''and'' before the term ''components'' in the heading.

■ 86. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A002 is amended by revising the Special Conditions for STA section to read as follows:

6A002 Optical sensors and equipment, and ''components'' therefor, as follows (see List of Items Controlled).

* * * * *

Special Conditions for STA

STA: License Exception STA may not be used to ship to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR) any commodity in: 6A002.a.1.a, a.1.b or a.1.c; 6A002.a.3.c, a.3.d, a.3.e, or a.3.f; or 6A002.b.

* * * * *

■ 87. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A004 is amended:

■ a. By adding quotes around the term ''components'' in the heading; and

■ b. By adding a closing quotation mark after the first word in ''items'' paragraph c.4 in the List of Items Controlled section.

■ 88. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6A998 is amended by removing the quotes around the term ''major components'' and adding quotes back only around the term ''components'' in the heading.

■ 89. In Supplement No. 1 to part 774 (the Commerce Control List), Category 6—Sensors and Lasers, Export Control Classification Number (ECCN) 6B995 is amended by revising the heading to read as follows:

6B995 Equipment, including tools, dies, fixtures or gauges, and other ''specially designed'' ''parts,'' ''components'' and ''accessories'' therefor, ''specially designed'' or modified for any of the following (see List of Items Controlled).

* * * * *

■ 90. In Supplement No. 1 to part 774 (the Commerce Control List), Category 7—Navigation and Avionics, Export Control Classification Number (ECCN) 7D101 is amended by removing the term ''the'' and the period ''.'' in the MT entry in the License Requirements table.

■ 91. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A018 is amended by adding quotes around the terms ''specially designed'' and ''components'' wherever they appear in this ECCN.

■ 92. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A609 is amended by removing the second semicolon at the end of ''items'' paragraph y.8 in the List of Items Controlled section.

■ 93. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A620 is amended by adding quotes around the terms ''specially designed'' and ''components'' in ''items'' paragraph f in the List of Items Controlled section.

■ 94. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8A992 is amended by removing ''UN'' from the Reasons for Control and by removing the UN entry in the License Requirements table.

■ 95. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8C609 is amended by revising the heading to read as follows:

8C609 Materials ''specially designed'' for the ''development'' or ''production'' of commodities controlled by 8A609 not elsewhere specified in the USML (see List of Items Controlled).

* * * * *

■ 96. In Supplement No. 1 to part 774 (the Commerce Control List), Category 8—Marine, Export Control Classification Number (ECCN) 8E001 is amended by removing the term ''software'' and adding the term ''technology'' in its place in the TSR paragraph in the List Based License Exceptions section.

■ 97. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A120 is amended by removing ''2B352.h'' and adding in its place ''2B352.i'' in the ''Related Controls'' paragraph in the List of Items Controlled section.

■ 98. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A610 is amended:

■ a. By revising ''items'' paragraph h in the List of Items Controlled section;

■ b. By revising the introductory text of ''items'' paragraph y in the List of Items Controlled section; and

■ c. By adding a new paragraph y.30 to ''items'' paragraph y in the List of Items Controlled section to read as follows:

9A610 Military aircraft and related commodities, other than those enumerated in 9A991.a (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

h. Parachutes, paragliders, complete parachute canopies, harnesses, platforms, electronic release mechanisms ''specially designed'' for use with aircraft controlled by either USML paragraph VIII(a) or ECCN 9A610.a, and ''equipment'' ''specially designed'' for military high altitude parachutists, such as suits, special helmets, breathing systems, and navigation equipment.

* * * * *

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this ECCN or a defense article in USML Category VIII and not elsewhere specified in the USML or the CCL, and other aircraft commodities ''specially designed'' for a military use, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

* * * * *

y.30. ''Parts,'' ''components,'' ''accessories,'' and ''attachments'' for use in or with a commodity other than electronic items or navigation equipment controlled by ECCN 9A610.h.

■ 99. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A619 is amended by revising the introductory text of ''items'' paragraph y in the List of Items Controlled section to read as follows:

9A619 Military gas turbine engines and related commodities (see List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

y. Specific ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' for a commodity subject to control in this ECCN or for a defense article in USML Category XIX and not elsewhere specified on the USML or in the CCL, and other commodities, as follows, and ''parts,'' ''components,'' ''accessories,'' and ''attachments'' ''specially designed'' therefor:

* * * * *

■ 100. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A990 is amended by removing quotes from the term ''major components'' and adding quotes back only around the term ''components'' in ''items'' paragraphs b and c in the List of Items Controlled section.

■ 101. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B115 is amended by removing ''9A104'' and adding in its place ''9A103'' in the ''Related Controls'' paragraph in the List of Items Controlled section.

■ 102. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B116 is amended by removing ''9A104'' and adding in its place ''9A103'' in the ''Related Controls'' paragraph in the List of Items Controlled section.

■ 103. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B610 is amended by revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9B610 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development'' or ''production'' of commodities enumerated or otherwise

described in ECCN 9A610 or USML Category VIII (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: USML Category VIII(h)(1) controls ''parts,'' ''components,'' ''accessories,'' ''equipment,'' and ''attachments'' ''specially designed'' for the aircraft enumerated or otherwise described in Category VIII(h)(1), but does not control the commodities enumerated or otherwise described in ECCN 9B610. USML Category VIII(h)(2)–(26) controls other aircraft ''parts,'' ''components,'' ''accessories,'' ''attachments,'' ''equipment,'' and ''systems.''

* * * * *

■ 104. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B619 is amended:

■ a. By revising the heading; and

■ b. By revising the ''Related Controls'' paragraph in the List of Items Controlled section to read as follows:

9B619 Test, inspection, and production ''equipment'' and related commodities ''specially designed'' for the ''development'' or ''production'' of commodities enumerated or otherwise described in ECCN 9A619 or USML Category XIX (see List of Items Controlled).

* * * * *

List of Items Controlled

Related Controls: USML Category XIX(f)(1) controls ''parts,'' ''components,'' ''accessories,'' ''equipment,'' and ''attachments'' ''specially designed'' for the engines described in Category XIX(f)(1), but does not control the commodities enumerated or otherwise described in ECCN 9B619. USML Category XIX(f)(2)–(7) controls other engine ''parts,'' ''components,'' ''accessories,'' ''attachments,'' ''equipment,'' and ''systems.''

* * * * *

■ 105. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9B991 is amended by revising the heading to read as follows:

9B991 ''Specially designed'' ''equipment,'' tooling or fixtures, not controlled by 9B001, for manufacturing or measuring gas turbine blades, vanes or tip shroud castings, as follows (see List of Items Controlled).

* * * * *

■ 106. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9E101 is amended by removing ''9A104'' and adding in its place ''9A103'' in the ''Related Controls'' paragraph in the List of Items Controlled section.

Supplement No. 4 to Part 774—[Amended]

■ 107. In Supplement No. 4 to Part 774—Commerce Control List Order of Review, under paragraph (a)(5), in the second to last sentence, remove the phrase ''Steps 4a and 4b'' and add in its place ''Steps 4.a and 4.b''.

Dated: May 21, 2014.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2014–12151 Filed 6–4–14; 8:45 am]

BILLING CODE 3510–33–P

Reader Aids

Federal Register

Vol. 79, No. 108

Thursday, June 5, 2014

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JUNE

31205–31842 2
31843–32156 3
32157–32432 4
32433–32632 5

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9134 32423
9135 32425
9136 32427
9137 32429
9138 32431

7 CFR

63 31843
319 32433
1410 32435
1951 31845
4274 31845
Proposed Rules:
1951 31884
4274 31884

9 CFR

310 32436

10 CFR

431 32050
1703 31848
Proposed Rules:
429 32020
430 32020

12 CFR

Proposed Rules:
Ch. I 32172
Ch. II 32172
Ch. III 32172
Ch. VII 32191

13 CFR

125 31848
127 31848

14 CFR

39 ..... 31849, 31851, 31855, 31897
71 ..... 32440, 32441
121 32157
Proposed Rules:
25 31886
39 ..... 31229, 31231, 31233, 31888, 32195, 32197, 32500
71 31236

15 CFR

730 32441
736 32612
738 32612
740 32612
742 32612
744 ..... 32441, 32612
746 32612
748 32612
750 32612
758 32612
762 32612
772 32612
774 32612
997 32449

16 CFR

300 32157
Proposed Rules:
306 31891

17 CFR

Proposed Rules:
1 31238

21 CFR

317 32464
878 ..... 31205, 31859

22 CFR

42 32481

23 CFR

450 31214
Proposed Rules:
450 31784

24 CFR

3280 31861

26 CFR

1 31863
31 31219
Proposed Rules:
1 ..... 31892, 31893

29 CFR

Proposed Rules:
1910 32199
2550 31893

30 CFR

Proposed Rules:
7 31895
75 31895

33 CFR

100 32164
117 31865
165 ..... 31220, 31865, 31868, 32167, 32482, 32484, 32486, 32487
Proposed Rules:
165 31895

34 CFR

Ch. III 32487
Ch. VI 31870
Proposed Rules:
Ch. III 31898

39 CFR

111 32490

40 CFR

Ch. I 31566
180 32169
300 32490

Proposed Rules:

49 32502
52 32200
60 31901
190 32521

45 CFR

18 32170

47 CFR

1 ....31873, 32366
2 32366
27 32366
63 31873

Proposed Rules:

1 31247
2 31247
90 31247
95 31247
96 31247

48 CFR

Proposed Rules:

212 32522
237 32522
252 32522

49 CFR

383 32491
390 32491
613 31214

Proposed Rules:

571 32211
613 31784

50 CFR

17 ....31878, 32126
224 31222
622 ....32496, 32497, 32498
635 31227
648 32170

Proposed Rules:

17 31901
20 32418
622 31907
679 ....31914, 32525

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 4, 2014

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.